PROCEEDINGS

OF THE

Council of the Governor of Fort St. George

ASSEMBLED

FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS

FOR THE YEAR

1893,

WITH INDEX.

VOL. XXI.

Published by the Authority of the Council.

MADRAS:
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1894.

Abstract of the Proceedings of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Victoria, Cap. 67.

The Council met at the Council Chamber in Fort St. George at 3 P.M. on Tuesday, the 17th day of January 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
The Hon'ble Sir H. E. STOKES, K.C.S.I.
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble Mr. H. F. CLOGSTOUN.
The Hon'ble C. SANKARAN NAYAR.
The Hon'ble MIR HUMAYUN JAH BAHADUR, C.I.E.
The Hon'ble Mr. R. J. H. ARBUTHNOT.
The Hon'ble the MAHARAJAH OF VIZIANAGRAM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur.

NEW MEMBERS.

The undermentioned gentlemen took their seats as Additional Members of Council :—

OFFICIALS.

The Hon'ble Mr. C. A. GALTON, M.A., Ag. Chief Secretary to Government.
The Hon'ble Mr. H. F. CLOGSTOUN, Ag. First Member of the Board of Revenue.

NON-OFFICIALS.

The Hon'ble Mr. R. J. H. ARBUTHNOT.
The Hon'ble the MAHARAJAH OF VIZIANAGRAM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur.

CONSTITUTION OF THE COUNCIL UNDER THE INDIAN COUNCILS ACT, 1892.

His Excellency the PRESIDENT then opened the Proceedings with the following remarks :—

"GENTLEMEN,—This is the first meeting held by the Legislative Council since the Indian Councils Act of 1892 was passed into law. Up to the present time I have not been able to appoint the full number of additional members which the new Councils Act allows, but I have recently added two gentlemen to the Council in order to bring it up to the strength which that Act prescribes as a minimum. Until I made these two appointments the additional members numbered only six and of these five were non-officials; I therefore considered it advisable to add two officials. The law requires that at least one-half of the additional members shall be non-officials and this proportion is considerably exceeded at present. I hope to be placed shortly in

possession of the Right Hon'ble the Secretary of State's views on the reorganization of the Councils and to be then able to give full effect to the new Act, but there is a large amount of legislative business to be disposed of and it was impossible to wait any longer or allow any further delay to occur. Some of the business which will be brought before you to-day is important, and I trust that the Council will have been brought up to its full legal strength before certain of the measures now before you have received final consideration and been passed into law."

ACTS ASSENTED TO BY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT announced the assent of His Excellency the Governor-General to the following Acts :—

No. I of 1892.—"An Act to amend Madras Act II of 1886 (*The Madras Harbour Trust Act*).

No. II of 1892.—"An Act to amend Madras Acts I and VII of 1884 (*The City of Madras Municipal Acts*).

PETITIONS TO THE COUNCIL.

The Under-Secretary read the following petitions :—

(*a*) From Land Krishna Dás Balamukunda Dás, dated 16th January 1893, contending that certain property called Nawalakh Gardens possessed by him in the district of North Arcot is not liable to pay village cess and praying that the Village Cess Bill should be so amended as to make it inapplicable to the said property.

(*b*) Telegram from the Secretary of the Madura Union Club, dated 16th January 1893, praying that the Village Cess Bill should not be proceeded with until the Legislative Council has been enlarged with reference to the Indian Councils Act, 1892.

(*c*) Telegram to the same effect as the last from the Secretary of the Mahajana Sabha, Melatúr, Tanjore district.

With regard to the first of these petitions it was ordered by the Council that the Under Secretary do transfer the paper to the Revenue Department of Government, and with regard to the second and third that they do lie upon the table.

MADRAS VILLAGE CESS BILL.

The Hon'ble Mr. GARSTIN then presented the Report of the Select Committee on the Madras Village Cess Bill and moved that the Bill as amended by the Committee be taken into consideration. The Hon'ble Member delivered the following speech :—

"MY LORD,—I present, for the consideration of this Honorable Council, the Report of the Select Committee on the Bill for the levy of a cess for the remuneration of Village officers and for carrying out other purposes connected with the discharge of their duties.

"The Committee have gone very carefully through the Bill, and, as their report shows, have amended every section of it besides adding a new section. The report would have been published and presented to the Council several months ago, had it not been for the desire of the Government to meet, if possible, the wishes of

the non-official members of the Committee in the matter of inserting into the Bill a declaration or guarantee that one-half of the total cost of the Village Service of the Presidency shall be borne by the State. To do this it became necessary to make a reference to the Government of India for permission to insert words implying such an assurance into the Bill. The consent of the Government of India having been obtained towards the end of August last, it then became necessary to modify the Bill and for this purpose to call the Select Committee together again on the return of the Government from the Hills. This was done as soon as practicable, and after the Committee had again gone through the Bill and added section 8 to it and modified section 9, the present report was drafted.

"The Bill has now been before the public for more than 2 years and under the consideration of the Select Committee for more than a year, and I not only think that the Government are not fairly open to the charge of undue haste in now considering the Committee's report, but that they would lay themselves open to a charge of dilatoriness if they did otherwise.

"The only points in the Committee's report that seem to call for remark from me are, first, the change in section 6 relative to the imposition of the cess on the holders of the few small inam villages in Tanjore that have been grouped, for the last quarter of a century, with Government villages for administrative purposes; and, second, the addition of section 8 and the alteration of section 9 relative to the share of the cost of village establishments to be borne by Government. In Tanjore, the Village Service Cess Act is not in force and it will not become so until the new settlement is introduced. When that takes place the village establishments will be everywhere revised, the Cess Act will be introduced and the cess will be paid by all Government ryots. In the few Tanjore groups of villages (known as 'vattams') to which whole inam villages are attached, the proprietors of those villages now pay nothing for the services of the village establishments of the Government villages with which they are grouped. The provisions in section 6 of the Bill will enable their being made to pay what they ought to pay. If they do not pay it under this Bill they will have to pay it when the Proprietary Estates Village Service Bill (which the Government proposes shortly to introduce into this Council) becomes law, and most probably the taxation on them will be lighter under the present Bill than it would be under the Proprietary Estates Bill.

"Moreover the services of the Government establishments will be probably more efficient than those of any staff which could be provided from the assets available under the Proprietary Estates Bill. There is therefore no injustice, but rather an advantage, to these villages and their proprietors by bringing them within the scope of the present Bill. I may add that the area of the inam villages affected by the Bill is very small, being only about 5,000 acres in the whole Tanjore district.

"The addition of section 8 and the alteration of section 9 embodying the guarantee that half the total cost of the Village Service shall be borne by Government, are two of the most important alterations in the Bill and will necessitate its re-submission to the Secretary of State before it can be passed into law. Their effect is to throw on the State and the ryots in equal shares the whole cost of the Village Service establishments. This is no new principle. In most of the districts of the Carnatic, under the old settlements made at the beginning of this century, the cost of the Village establishments was provided for by deductions from the gross produce after making allowance for the expenses of cultivation, and as the Government had, by custom, a right to one-half of such gross produce, the deductions made from it for the payment of the Village establishments belonged equally to the Government and the ryots.

"The main features of the Bill, as it now stands, are that it legalizes the levy of a Village Service cess in any district or part of a district of the Presidency, even though it may not have been formerly customary to levy fees in money or kind in the whole of such district for the payment of the Village servants; that it also legalizes the formation of a general Village Service Fund for the whole Presidency, and that it guarantees that, in future, the rate of cess shall be so determined throughout the Presidency that its estimated proceeds shall be, as nearly as possible, equal to half the cost of the Village Service within the area to which the Act is applied, and that the contribution of Government shall also be equal to such estimated proceeds.

"One result of this will most probably be that it will be possible to reduce the rate of cess throughout the Presidency slightly, because there will be no accumulation of cess collections in certain districts as has hitherto been the case. Another result will be that it will be possible to dispose of the large existing balances to the credit of certain of the District Funds (amounting in all to about forty lakhs of rupees) by suspending all collections of cess throughout the Presidency for a whole year, or perhaps for a rather longer period, and by paying the Village establishments out of these balances. Such an arrangement would be equitable and would certainly be most agreeable to the mass of the ryots throughout the Presidency.

"I now beg to move the following amendment of which due notice has been given: 'That at line 25 of section 7 of the Bill, as amended by the Select Committee, there be added the words '*or with the administration of such Fund*' after the words '*the discharge of their duties*.'' The necessity for this amendment arises from the fact that there is a controlling establishment maintained in the Accountant-General's office for the audit of the accounts, and special establishments for controlling and keeping the accounts, of all the Local, Municipal and Special funds in the Presidency, and that the cost of these establishments is debited to the three descriptions of funds in the ratios of their total gross receipts. The Village Service Fund is a Special fund and its accounts are audited and kept by these establishments and it is necessary to legalize the payment of these charges out of the Village Service Fund. They amount only to a comparatively small sum, viz., about $\frac{1}{4}$ per cent. of the annual income of the fund, but as the Bill is at present worded, it seems doubtful whether such payment could be made from that fund. Such payments from the fund would be no innovation, as these charges have been thus debited to the Village Service funds of the different districts ever since the audit and special establishments have been employed on this work."

The motion that section 7 of the Bill, as amended by the Select Committee, be further amended by the insertion of the words "*or with the administration of such fund*" after the words "*the discharge of their duties*" was put to the Council and carried.

The Hon'ble Member then proceeded:—

"The amendment having been carried, I now move the following 4 amendments:—

(*a*) that the word '*for*' be inserted in line 2 of the title of the Bill between the words '*and*' and '*other*.'

(*b*) that the words '*and with the administration of the Village Service Fund*' be inserted in line 15 of the preamble of the Bill after the words '*the discharge of their duties*.'

(*c*) that the words '*on him*' be inserted in line 30 of section 7 between the words '*imposed*' and '*under*.'

(*d*) that the words '*within the area to which this Act is applied*' be transferred from line 21 of section 7 to line 24 and inserted after the words '*village officers*,' and that the word '*and*' before the words '*in such manner*' be omitted.

"I now ask your Lordship to decide under Rule XXXI of the Council rules that these amendments be taken into consideration at once.

"All I need say of these amendments is that the first, second and fourth are merely consequential on the adoption of the amendment of which notice was given. The third merely makes the meaning of section 7 a little more precise."

His Excellency the President having decided, with reference to Rule XXXI of the Legislative Standing Orders, that the four amendments last referred to by the Hon'ble Member may be considered by the Council at once, the motion that these four amendments be made in the Bill was put to the Council and carried.

The motion was then put that the Village Cess Bill as amended by the Select Committee and by the Council be considered by the Council; this was carried, and the Council, deferring such further consideration, proceeded to deal with the other business before it.

A BILL TO REPEAL CERTAIN OBSOLETE ENACTMENTS.

The Hon'ble Sir HENRY STOKES next introduced the Bill to repeal certain obsolete enactments with the following remarks:—

"MY LORD,—I beg to introduce the Bill for the repeal of the Acts forming part of the Madras Code, and relating to the regulation of boats and catamarans at Madras and outports, which have been superseded by the rules which have been framed in this behalf under the Indian Ports Act X of 1889, section 6, clause (*k*). These rules are now in operation and provide for the matters dealt with more fully, and in a manner more suited to present requirements than did the previous Acts. The repeal of these Acts was therefore suggested by the Government of India. The Bill has only one clause and a schedule specifying Acts IV of 1842 and IV of 1846 of the Governor-General in Council, and three Madras Acts—IV of 1869, II of 1873 and I of 1877 which amended Act IV of 1842. It appears to me that it is unnecessary to refer the Bill to a Select Committee and that the Bill may be disposed of at this sitting. For this purpose it is necessary that the Standing Orders should be suspended, and, if your Excellency will consent to declare them suspended, I will move that the Bill be now passed into law."

His Excellency the PRESIDENT accordingly suspended the Standing Orders and the Hon'ble Sir H. E. STOKES moved that the Bill be passed into law.

The motion was put to the Council and carried and the Bill was passed.

A BILL FOR FACILITATING ENQUIRIES INTO MATTERS CONNECTED WITH THE ADMINISTRATION OF THE REVENUE.

The Hon'ble Sir H. E. STOKES then proceeded to introduce a Bill for facilitating enquiries into matters connected with the administration of the Revenue. The Hon'ble Member said:—

"MY LORD,—The Bill for facilitating enquiries into matters connected with the administration of the Revenue has been already published under Rule XXV of the Council

Rules. Briefly described, it is a Bill for conferring on officers specially deputed by the Governor in Council to make such enquiries powers similar to those now exercised by Collectors under Madras Act III of 1869, to procure the attendance of persons to give evidence, and the production of documents, relating to the matters under enquiry. The officers so specially deputed by Government will usually be Members of the Board of Revenue or other officers of high rank, and there cannot, it is thought, be any objection to their exercising powers which are used by all Collectors of districts and the want of which has on several occasions been felt. I beg to move that the Bill be referred for consideration to a Select Committee consisting of—

The Hon'ble the Advocate-General,
The Hon'ble Mir Humayun Jah Bahadur, C.I.E.,
The Hon'ble V. Bhashyam Iyengar,
The Hon'ble Mr. Clogstoun,
and myself."

The motion that the Bill be referred to the Select Committee nominated by the Hon'ble Member was put to the Council and carried.

A BILL TO AMEND SECTION 13 OF THE LAND CUSTOMS ACT VI OF 1844.

The Hon'ble Sir H. E. STOKES then proceeded in the following speech to introduce a Bill to amend section 13 of the Land Customs Act VI of 1844:—

"MY LORD,—This Bill, which has been entrusted to my charge, has also been published under the Council rules and I therefore need not formally introduce it. It is intended to amend the Land Customs Act VI of 1844 so as to admit, with the sanction of Government, of the transport of goods at night across any frontier. The occasion for the Bill has arisen out of the night traffic by rail across the French frontier at Pondicherry. Such traffic has been taking place, Act VI of 1844 notwithstanding, since the South Indian Railway Company began to run their trains by night—an illegality of which the Company and the public are probably alike ignorant, but which will be removed by this Bill. I beg to move that it be referred to a Select Committee to consist of—

The Hon'ble Mr. Galton,
The Hon'ble the Advocate-General,
and myself."

The motion that the Bill be referred to the Select Committee specified was put and carried.

MADRAS STEAM-BOILERS AND PRIME-MOVERS BILL.

Finally, the Hon'ble Sir H. E. STOKES introduced, with the accompanying remarks, a Bill to provide for the inspection of steam-boilers and prime-movers attached thereto in the Presidency of Madras:—

"MY LORD,—For years past enactments have existed in other Presidencies and provinces of India providing for the inspection and regulation of steam-boilers and prime-movers, but the use of these is still entirely unregulated in this Presidency. Certain cases have come to notice indicating the desirability of a law upon the subject and it is thought that, having regard to the extending use of steam machinery, the

sooner the defect is supplied the better. This Bill upon the paper, which has been published under Rule XXV, has been prepared for this purpose. Its provisions have, as set forth in the Statement of Objects and Reasons, been taken chiefly from the law passed for Burma, which is the latest in date of those now in force in British India. I beg to move that the Bill be referred to a Select Committee to consist of—

The Hon'ble the Advocate-General,
The Hon'ble Mr. Arbuthnot,
The Hon'ble Mr. Galton,
and myself."

The Hon'ble Member's motion was put to the Council and carried.

The Council then adjourned *sine die.*

(By Order.)

FORT ST. GEORGE,
18th January 1893.

A. BUTTERWORTH,
Ag. Under-Secretary to Govt.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

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Abstract of the Proceedings of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 3 P.M. on Tuesday the 28th day of February 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*

The Hon'ble Sir H. E. STOKES, K.C.S.I.
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble Mr. H. F. CLOGSTOUN.
The Hon'ble C. SANKARAN NAYAR.
The Hon'ble MIR HUMAYUN JAH BAHADUR, C.I.E.
The Hon'ble Mr. R. J. H. ARBUTHNOT.
The Hon'ble the MAHARAJAH OF VIZIANAGRUM, G.C.I.E.

Questions.

The Hon'ble C. SANKARAN NÁYAR asked the following questions standing in the name of the Hon'ble V. BHASHYAM AIYANGAR :—

(1) Under the scheme of re-organization of the Madras Educational Service submitted for the approval of the Government of India and the Secretary of State, will an officer of distinguished merit and ability in the Provincial Service be eligible for promotion into the Imperial Service?

(2) Are the Professorships of Sanskrit and Mathematics proposed to be included in the Provincial Service or in the Imperial Service?

The Hon'ble Sir H. E. STOKES, K.C.S.I., said in reply :—

"(1) The intention is that the Imperial Educational Service shall be recruited entirely in England. Provincial officers can, however, be appointed to act in Imperial Service posts on increased allowances.

"(2) There will be no specific rule as to the Professorships mentioned in the question. The scheme provides that three Professorships now held by the Graded Service shall be filled by Provincial Service men. What these will be will depend upon circumstances from time to time.

"My answers refer to the scheme as submitted to the Government of India. It is, of course, subject to modification by that Government and by the Secretary of State."

(*b*) The Hon'ble C. Sankaran Nayar asked the following questions:—

(1) Whether the Government have ascertained the cause of the toddy-drawers' strike in Malabar and whether there is any prospect of an early settlement of that strike which has already lasted some months, and whether anything has been done by the Government towards such settlement?

(2) Whether it is a fact that the strike is due to the oppression of the subordinate officials and peons in the department?

(3) Whether the Government have any information as to the number of men out of employ on account of the strike?

(4) Whether there has been any increase in crime either under any special laws or under the Indian Penal Code wholly or partially due to such strike or to the destitution or distress caused by such strike?

The Hon'ble Mr. J. H. Garstin, C.S.I., replied as follows:—

"1.—The toddy-drawers' strike is not general throughout Malabar. It exists only in 2½ of the northernmost taluks of the district where Tiyar influence is very powerful. The Government have ascertained that the origin of the strike was a determination on the part of the toddy-drawers of a portion of the Chirakal taluk to resist the introduction of the toddy rules, the effect of which was designed to be a diminution of the facilities enjoyed by the real or pretended tappers of sweet toddy of evading the tax on the manufacture and sale of toddy and also to rebel against the whole system by which the Government control the enormous drink-traffic of Malabar. The strike has been artificially stimulated by professional agitators who used to be the contractors under the old system. These men are interested in getting rid of the tree-tapping system and induced the toddy-drawers to strike by misrepresenting to them the intentions of Government. The Government believe that there is every prospect of the strike coming to an end shortly. Steps have been taken for some time past by the District officers to try and bring about this result. The Collector held mass meetings of tappers at which they were invited to express their grievances and their misconceptions were explained away. In the middle of October last a notice was issued to shopkeepers that if they would open their shops and commence business a remission of their kists up to date would be given them and other trees marked free of charge in place of those of which the spathes had been cut by strikers, provided the shopkeepers themselves had not been concerned in the strike. Subsequently, the time for re-opening their shops was extended to the 15th December. Re-sales of shops are now commencing, and it is anticipated that the buyers will commence business with energy.

"2.—It is not a fact that the strike is due to the oppression of the subordinate officials and peons in the department. Every facility has been afforded for making complaints against the officers of the department of any such misconduct, but they have been rarely made and practically never substantiated. At the mass meetings held by the Collector he invited such complaints, but only one or two of a trifling nature were made, and even these were, it is believed, found not to be genuine.

"3.—It is estimated that, at the height of the strike, as many as 4,000 or 5,000 persons may have been out of employment, but as the strike, so far as sweet toddy-tappers are concerned, is at an end, the number now out of employ is very much

smaller, and is confined to tappers who are dependent on fermented-toddy shopkeepers, and even those can, if they like, take to tapping sweet toddy.

"4.—There has not only been no increase of crime under the Abkári Act in consequence of the strike, but a reduction of about 90 per cent. in its amount, while under the Penal Code the increase of crime resulting from the strike is believed not to have been large. There have been, however, several cases of rioting and it is also believed a good many petty thefts of cocoanuts which have not been reported."

Act forwarded for the Governor-General's assent.

The Under Secretary reported that the Bill to repeal certain obsolete enactments, which was passed by the Council on the 17th January last, received the formal assent of His Excellency the Governor on the 31st idem, and has been forwarded for the assent of His Excellency the Governor-General.

Petitions.

The Under Secretary read two petitions on the subject of the Madras Proprietary Estates' Village Service Bill—

(*a*) From the Inamdars of Kalpolliem Jaghire, Trichinopoly district, dated 30th April 1892, stating that the Karnams in Zemindari Estates do not render ready obedience to the orders of the proprietors, and praying, therefore, that some provision may be made in the Bill now pending before the Legislative Council to remedy this, and that the proprietors may be empowered to suspend or dismiss the Karnams subject to appeal.

(*b*) From the Zemindar of Chintalapati vontu, Kistna district, dated 11th November 1892, forwarding copy of a Memorial addressed to His Excellency the Governor-General in Council by his father in 1884, submitting for favorable consideration a memorandum with reference to the Bill introduced in 1883.

Ordered that the petitions do lie on the table.

LAND CUSTOMS ACT AMENDMENT BILL.

The Hon'ble Sir H. E. STOKES, K.C.S.I., presented the Report of the Select Committee on the Bill to amend section 13 of the Land Customs Act VI of 1844, and moved that the Bill, as amended by the Committee, be taken into consideration and passed into law.

In doing so, the Hon'ble Member remarked :—

"MY LORD,—I have the honour to present to the Council the Report of the Select Committee appointed to consider the Bill to amend section 13 of the Land Customs Act VI of 1844. It will be observed that the alteration made by the Select Committee in the original Bill is one of phraseology only and that the principle of the amendment has been preserved. I therefore move that the Bill be taken into consideration and passed into law."

The motion, which was seconded by the Hon'ble Mr. J. H. GARSTIN, C.S.I., was put to the Council and carried, and the Bill was passed into law.

REVENUE ENQUIRIES BILL.

The Hon'ble Sir H. E. STOKES, K.C.S.I., then presented the Report of the Select Committee appointed to consider the Bill for facilitating enquiries into matters connected with the administration of the Revenue. The Hon'ble Member observed that the principal alteration made in the Bill was its enlargement to provide for preliminary enquiries into the conduct of public officers but that as he considered that it should be left before the public a little longer before being passed into law, he proposed merely to present the Report.

MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE BILL.

The Hon'ble Mr. J. H. GARSTIN, C.S.I., then introduced the Bill to amend the law in regard to Karnams and other village officers in estates permanently settled, &c., with the following remarks.

"MY LORD,—The Bill I now introduce is one having for its object the amendment of the law relating to village officers in permanently-settled estates, and in order to explain the necessity for such a Bill it is necessary that I should give an exposition of the law, as it stands at present, with reference to each of the classes of village officers employed in such estates.

"There is by no means anything like uniformity among the Zemindars and other owners of permanently-settled estates in the Presidency in the matter of the names by which the various village officers employed by them are known, nor is there anything approaching similarity in the numbers of each kind employed, but the various descriptions of employés, by whatever names they are locally known, may be grouped under one or other of the six different classes enumerated in section 2 of the Bill, namely, (1) Karnams, (2) Heads of Villages and Monegars, (3) Village Munsifs, (4) Vettis, (5) Taliyaris and (6) Nirgantis, and I propose to deal with each in its turn.

"First, with reference to *Karnams or Village Accountants.* Shortly after the assumption of the civil administration of the Carnatic by the East India Company in 1801, during the Government of Lord Clive, steps were taken to introduce the Permanent Settlement, and, in 1802, several enactments were passed into law with this object in view. Among them were Regulations XXV and XXIX of that year. The former regulation is entituled 'A Regulation for declaring the proprietary right of lands to be vested in individual persons and for defining the rights of such persons under a permanent assessment of the land revenue in the British territories subject to the Presidency of Fort St. George.' Its 11th section throws on all Zemindars or landholders the legal obligation to 'support the regular and established number of Karnams in the several villages of their respective zemindaris.' It also gives to the Zemindars the right of appointing their Karnams from time to time, and compels the Karnams to obey all legal orders issued by the Zemindars, but declares that the Karnams shall not be liable to be removed from their offices except by the sentence of a Court of Judicature.

"Regulation XXIX of 1802 (which was passed into law on the same day as Regulation XXV) is entituled 'A Regulation for establishing the office of Karnam and defining the duties of the said office in the British territories subject to the Presidency of Fort St. George,' and in its preamble it sets forth the great importance of the office to the preservation of the rights and property of the people and the expediency of

providing for the continuance of the office in an efficient manner, and then enacts that an office of record shall be established under a Karnam in every permanently-settled village of which the revenues, inclusive of charges, may amount to four hundred pagodas or upwards, *i.e.*, to Rs. 1,400 or more; but in villages where the annual revenue may be less than that sum, one Karnam may be appointed to two or more villages. The regulation vests the right of nominating persons to the office of Karnam in the actual proprietors of lands; Karnams are not to be dismissed from their offices except by the sentence of a Court of Judicature; in filling vacancies in the office, the heirs of the preceding Karnam are to be chosen, except in case of incapacity, when, if such incapacity is proved before the Judge of the Zillah, the landholder may nominate whom he pleases; proprietors may reduce the number of Karnams if such reduction seems advisable to the Board of Revenue; and, lastly, proprietors who neglect to appoint Karnams are made liable to be fined for such neglect by the Adawlat of the Zillah. The regulation then lays down at considerable length the registers and accounts to be kept by Karnams, the reports to be made by them and the various duties expected of them. They are also bound by it to produce their accounts whenever required by the proprietor, the Collector or the District Court, under a penalty of fine or imprisonment by such Court, if they disregard the requisition of the Collector or of the Court, but oddly enough, there is no penalty attached to disregard of the proprietor's requisition. Collectors, however, are prohibited from asking for such accounts for any other purpose than that of assessing the public revenue upon the portions of the estate which it may be necessary to divide from its main portion, and, on complaints from proprietors, the District Court may restrain Collectors from demanding the attendance of the Karnams or the production of their accounts and may fine them if they persist in demanding such attendance or production. The result of the passing of this regulation was precisely what might have been expected to follow. The District Courts had no direct executive control over the Karnams and never troubled themselves about them, while the Collectors and Zemindars could do nothing with them except through the District Courts, and the procedure involved in taking any such steps was expensive and very troublesome. Consequently, the Karnams in zemindaris have, from that day to this, remained practically uncontrolled.

"How completely Zemindari Karnams are beyond the control of Zemindars may be seen from the result of 3 suits filed, so late as 1891, by the Collector of Trichinopoly, as Agent for the Court of Wards, on behalf of the minor Zemindar of Marangápuri, to dismiss the Karnams of three villages because they neither lived in them nor kept offices of record in them as required by section 2, Regulation XXIX of 1802. In disposing of the first of the suits on the 15th February 1892, the District Judge said: 'I am of opinion that ordering the defendant to live in the village—by which I understand that he should permanently reside there—the then Agent of the Court of Wards exceeded his powers. I can find nothing in the regulation which requires a Zemindari Karnam to live within the limits of the village of which he is Karnam. It may be a very desirable arrangement, but it does not seem to be a legal requirement. Probably the failure of a Karnam to keep his records in the village might, in extreme cases, be a reason for dismissing him from his post, although the wording of section 5 of the regulation would seem to indicate that a Zemindari Karnam could only be dismissed after conviction of a criminal offence. But the act is one punishable under section 11, clause 13, with fine and imprisonment (which must, I conceive, be inflicted by a Criminal and not by a Civil Court), and recourse, I think, should in the first instance be had to the provisions of that section. At all events I am not disposed,

nor do I think I am legally bound, to inflict the extreme punishment of dismissal except for persistent neglect to obey legal orders. In the present case the only order given to the defendant was in part illegal and the defendant might reasonably have imagined that he was bound to obey it in its entirety or not at all. I will go further and say that, in my opinion, it lay upon the Court of Wards to appoint a proper place within the limits of the village for the safe custody of the Karnam's records. In keeping the records in the village in which he resided the Karnam was probably actuated by a desire to keep them safely.' The Judge accordingly dismissed the suit with costs, remarking that 'The result is, no doubt, regrettable, but the proper remedy is to induce the legislature to amend, by fresh enactment, the provisions of a regulation which is practically unworkable at the present day.' The two other suits were dismissed on the same grounds.

"From 1802 till 1806 the Permanent Settlement was being introduced into the Presidency, but in the latter year a change in the policy of the Government took place and the settlement was held in abeyance and eventually given up. In 1806, however, the Government passed a Regulation (II of 1806) repealing Regulation XXIX of 1802 so far as it related to Karnams in districts in which the revenue was not permanently fixed and gave the appointment, dismissal and control of those officers to Collectors and the Board of Revenue. The preamble to the regulation merely says that 'It is expedient for the purpose of obtaining a correct knowledge of the resources of unsettled districts that the Karnams or Village Accountants should be subject to the more immediate authority of the Collector than has been judged necessary where the Land Revenue has been permanently fixed;' but if the whole of Regulation XXIX of 1802 had been then repealed a great deal of subsequent trouble would have been saved.

"It will, I think, be clear from what I have said of the law relating to Zemindari Karnams that a change in it is imperatively called for. Such was the opinion of Sir T. Munro as far back as 1815, when he was serving on the Special Commission which was then sitting, and such has been the oft-reiterated opinion of the Board of Revenue from or before 1869 down to the present day, while Zemindars have constantly complained of the want of their power of properly controlling them. Indeed, the only wonder is that this reform was not carried out more than half a century ago.

"As regards the position of Karnams in other permanently-settled estates, such as whole inam villages, it is legally quite different, for, since the ruling of the High Court of Madras in Special Appeal No. 296 of 1882 (reported in Vol. VII of the Indian Law Reports, Madras Series), that Regulations XXV and XXIX of 1802 do not apply to such estates, they come under the purview of section 7 (instead of section 8) of Regulation VI of 1831 which places all persons holding hereditary village and other offices in the Revenue and Police Departments, to which State emoluments have been attached, under the immediate authority and control of the Collectors of the districts in which such offices are established, and enables Collectors to suspend or dismiss them for incapacity, neglect of duty, or other just cause. As a matter of fact, however, this power seems never to have been exercised or to have fallen into desuetude.

"The next class of village officers is *The Heads of Villages*. In dealing with the various village officers, I have taken the Karnam first, although he would naturally come after the head of the village, but, in point of fact, the office of Karnam, as created by the Madras Regulations, existed several years before that of the head of the village, which did not acquire a statutory existence till 1816. For all that, however,

the office of village headman had existed from time immemorial. In the fifth report from the Select Committee of the House of Commons on the affairs of the East India Company, relating to the Madras Presidency, after giving a sketch of the petty communities into which the country is divided and of the various village officers and servants, beginning with the Potail (or head inhabitant), the Karnam, the Taliyaris and Toties, and describing briefly their duties, the Committee say, 'Under this simple form of Municipal Government the inhabitants of the country have lived from time immemorial. The boundaries of the villages have been but seldom altered, and though the villages themselves have been sometimes injured and even desolated by war, famine and disease, the same name, the same limits, the same interests, and even the same families, have continued for ages. The inhabitants give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire they care not to what power it is transferred, or to what sovereign it devolves; its internal economy remains unchanged, the Potail is still the head inhabitant and still acts as the petty judge and magistrate and collector or renter of the village.'

"The Regulation which created heads of villages in this Presidency is IV of 1816. At the time it was passed the idea of introducing the Permanent Settlement generally throughout the Presidency had been practically abandoned, and the regulation was so worded as to show that it applied, not only to permanently-settled or rented villages, but also to those in the hands of Government. It laid down that where there is more than one resident head inhabitant of a village, the one who collects the revenue and under whose authority the village servants act shall be the Head of the village, and as such shall also be the Village Munsif. The regulation further constituted Village Munsifs civil judges for their respective villages and defined their jurisdiction and procedure.

"A few months later another Regulation was passed, viz., XI of 1816, for the establishment of a general system of Police, and it laid down that in future the duties of police should be discharged by Heads of villages aided by Karnams and Taliyaris and other village watchers, as well as by officers of higher grades. All Heads of villages were thus constituted, *ex-officio*, heads of police of their respective villages by the regulation which also prescribed their powers and procedure. In this way Heads of villages became collectors of revenue, as well as petty civil and criminal judges and police officers, and this continued until 1889 when the Village Courts Act was passed which repealed all of Regulation IV of 1816 that was then unrepealed, and thus abolished the statutory status of heads of villages and their right to be ex-officio village munsifs of their respective villages; placed Village Munsifs on a footing quite independent of Heads of villages and vested the power of appointing and dismissing them in Collectors, subject to such rules as the Governor in Council might from time to time prescribe. It is quite clear that, in passing Regulations IV and XI of 1816, the Government of the day intended to establish in all villages throughout the country, whether in zemindari or ryotwari districts, a simple yet efficient machinery for the administration of civil and criminal justice and for the discharge of police functions; but while their intentions were generally given effect to in all villages under direct Government control, this has not been the case in zemindaries and other permanently-settled areas, chiefly, it would seem, because those regulations did not give the Government officers any specific authority to appoint, dismiss or otherwise control Heads of villages in any of their capacities. It is most probable, however, that this authority was assumed by District officers in respect of the establishments in Government villages, and it is equally probable that it was assumed by

Zemindars in respect of the villages in their estates. At length, in 1831, a Regulation was passed (VI of 1831) which placed all persons holding hereditary village offices in the Revenue and Police Departments, to which State emoluments were annexed (excepting Karnams in permanently-settled estates, as I have already pointed out), under the immediate authority and control of Collectors, who were at the same time invested with power to suspend or dismiss them for incapacity, neglect of duty, or any other just cause. Still the power of selecting and appointing persons to such offices was not specifically conferred. The succession to office was, in all cases to which the regulation applied, to be by virtue of heredity, and the Collectors were empowered, by the regulation, to decide rival claims to such offices and their emoluments. Consequently, unless there was a suit filed before a Collector in connection with the right to succeed to a village office or its emoluments, there was little room for his interference in the matter of appointing even Government village officers and he usually confined himself to approving the assumption of office by the person reported to him as the heir of the previous holder. In zemindari villages, however, the form of making these reports was generally omitted, suits for succession to village offices in zemindaries were almost unknown, and in this way Zemindars practically kept the control of their own Heads of villages entirely in their own hands. It is true that in one or two districts the Collector occasionally gave a Zemindari Village Munsif a sanad of appointment, but these cases were extremely rare.

" The only other village officers that remain to be noticed are the *Taliyaris* or village watchers, the *Toties* or messengers, and the *Nirgantis* or irrigation-water distributors.

" Of these three classes, the law only takes cognizance of the first, who are known in different districts as Taliyaris, Kavalgars and Kattubadis. By Regulation XI of 1816 the appointment, suspension and removal of village watchers was vested in the Magistrate, and they were, as far as possible, to be selected from the castes best qualified for police duties; their offices were declared hereditary, they were declared entitled to receive such allowances in land, grain, or money as the Government might allot for their maintenance, and their allowances were also declared to be hereditary in their families. Their duties were defined by the same regulation. Subsequently, in 1831, they were placed under the authority of Collectors, until in 1859, on the passing of the Madras Police Act, all village watchers were included in the general police force of the country. This, however, made little difference in their position which has practically remained unchanged. There is no legal difference between the position of village watchers in Government villages and in zemindaries except that in the latter the power of appointing them, though legally vested in Collectors, has been generally exercised by Zemindars, and the District officers have little or no control over them.

" On the whole question of the position of village establishments in permanently-settled estates it is hardly too much to say that it is very unsatisfactory. The Government has no means of enforcing the submission of accurate information regarding the statistics of the estates or of the village establishments maintained in them, while the District officers have lost all power of controlling the latter. Every Zemindar keeps just as many or as few village officers as he pleases, and calls them by what names, and exacts from them what services, he thinks fit. As proof of the difficulty of getting information regarding these establishments, I may mention that just two years ago the Government called on the Board of Revenue to report at once regarding the existing number of zemindari village servants of the classes enumerated in the Bill, their present denominations, the number of each class which it was desirable to maintain,

and also for some other information, but no report has been yet received, nor is it likely to come in for a long time, so far as I can judge, while I much doubt whether the information, when received, will be of much value.

"I now turn to the provisions of the Bill itself, the various sections of which may be grouped, as treating of the various matters to which the Bill relates, as follows:—

"The preamble and first four sections deal with the different classes of estates and of village officers to which the Bill is made applicable; they repeal section XI of Regulation XXV and the whole of Regulation XXIX of 1802, and define what constitutes a village and a village officer for the purposes of the Bill.

"Sections 5 and 7 make it obligatory on every proprietor, under a penalty, to prepare within a fixed period a register of all village servants employed on his estate and to send a copy to the Collector, while section 6 gives the Collector power to divide an estate into villages or to club villages together and lays down the procedure to be followed in so doing. At the same time it relieves the proprietor of paying any part of the cost of doing this and throws it on the Proprietary Estates Village Service Fund.

"Sections 8, 9 and 10 provide for the employment of as many village officers in each village group as the Collector may direct, for filling up vacancies in them as they occur, and for hearing and disposing of objections to such appointments. They also give power to the Collector to fine, suspend or dismiss any village officer for misconduct or neglect of duty.

"Section 11 enables a proprietor, or any of his tenants, to have a village officer punished on complaint to the Collector or a Divisional officer, while section 12 gives the proprietor power to impose a small fine on any village officer except a Head of the village or Village Munsif.

"The power of deciding claims to village offices is given to Collectors by section 12, while section 13 enables the Government to enfranchise any lands which may now form the whole or part of the emoluments of village officers, or may have so formed them at the time of the permanent settlement, from the condition of service, either under the inam rules in force, or under rules to be specially laid down by the Governor in Council, and provides especially that lands granted as village service inams, subsequent to the permanent settlement, shall be left to be dealt with by the grantors in any manner they may think fit.

"The duty of collecting the quit-rent or assessment imposed under section 13 may, by section 14, be laid by the Governor in Council on proprietors, who will have to pay the amounts collected to the Collector along with the revenue payable by them in respect of their estates. In that case, however, the proprietors may retain 10 per cent. of the quit-rents collected, by way of compensation for the trouble of collecting them.

"Sections 15—22 provide for the levy of a cess in all estates to which the Act may be extended, at a rate not exceeding 1 anna in the rupee, on the annual rent value of all occupied lands comprised within the limits of each estate, and is intended to be levied at such rate, within the above limit, as will suffice, together with the other assets of the Proprietary Estates Village Service Fund, to meet the cost of all village establishments in proprietary estates throughout the Presidency, and the cost of all proceedings taken in them under section 6 in connection with the formation or clubbing of villages in them. In the calculation and determination of the rent-value of occupied lands and the mode of distributing the payment of the cess between the

proprietors and their tenants, the procedure laid down in the Local Fund Cess Act (V of 1884) is prescribed.

"By section 23 the Governor in Council is given power to add to the amount of the permanent assessment now payable by any proprietor the equivalent of any sum by which, at the time of the permanent settlement, the peshkash then fixed may have been reduced in order to provide funds for remunerating any village officer.

"Section 24 provides for the formation of a Village Service Fund out of the proceeds of the cess, the quit-rents or assessments imposed on enfranchised inams, and the resumptions from peshkash provided for in section 23; also for its being placed under the control of Collectors, and for all village officers, to whom the Act is made applicable, being paid out of it.

"Section 25 provides for the cessation of the collections of the customary fees for village service by village officers, by imposing a penalty on any such officer collecting or demanding them after the Act is in force.

"Sections 26 to 29 provide a procedure for inquiring into the conduct of village officers, while section 30 gives the Board of Revenue power to draw up rules, having the force of law, in regard to various matters connected with the working of the Act, and section 31 bars the jurisdiction of the Civil Courts to inquire into or decide upon any claim to the enjoyment of the fund constituted under the Act, or any question regarding liability to pay the quit-rent, assessment or cess imposed under the Act or regarding the rates thereof.

"The above is a brief summary of the provisions of the Bill. Its salient features are—

"(1) That it gives to all Zemindars or other proprietors of permanently-settled estates, subject to the supervision of the Revenue officer of the division and the Collector of the district, the power of appointing all their village officers, except Village Munsifs as such, and much more effective measures of controlling them than they possess at present. The power of suspending and dismissing them is, however, vested in the officers of Government. As regards Village Munsifs, the position is this: the Village Courts Act gives the power of appointing these officers to Collectors subject to such rules as the Governor in Council may lay down, and the Government has issued orders laying down that in every case the head of the village is to be appointed Village Munsif, but is only to hold the latter appointment during his tenure of the former, thus practically restoring the legal status created by Regulation IV of 1816. To this rule, however, there are two exceptions, first, where two or more villages are grouped to form a single Village Munsif's jurisdiction, and second, where a village is subdivided to form two such separate jurisdictions. In these cases the Village Munsifs of the new jurisdictions will not be Heads of villages at all. These cases, however, will be very rare, so that, practically, Zemindars, by having the power to appoint Heads of villages, will appoint in nearly every case the Village Munsifs also.

"(2) That it enables the Government to secure an efficient Village administration throughout all such estates and means of remunerating the village officers by salaries and of effectually controlling them.

"(3) That it enables Zemindars and other proprietors to resume all landed endowments given by them or their predecessors in title for the maintenance of village officers subsequent to the permanent settlement.

"It must I think, be readily admitted that in the present day a better class of officers is required in proprietary estates both as Karnams and Village Munsifs. In

the case of the former, much more is expected of them now than formerly. They ought to be able to survey and plot their surveys, and in connection with these estates there is no point relating to the question of amending the Tenancy Act of more importance than their cadastral survey and the preparation of records of rights in all of them. This work is especially one which might be efficiently performed by educated Karnams.

"As regards Village Munsifs, their jurisdiction has now been so enlarged that with the consent of parties they can dispose of suits up to Rs. 200 value, so that their office has been rendered highly important and it is no longer possible that it should be held by men who cannot read or write and who have to trust to the Karnams of their villages to record their proceedings. There can be no question that the transfer of the power of controlling the Karnams from Civil Courts to Collectors is highly expedient and necessary. The Courts have no means of judging of a Karnam's efficiency in the performance of his executive duties, while the Collector has such opportunities before him daily. Moreover, it would not be safe to leave the absolute control of the Karnams or other village officers to the Zemindars themselves, because questions often arise for decision in which the interests of the Zemindars and their tenants are very much opposed to each other, and it is most necessary that the Karnams and other officers should be able to maintain a certain position of independence towards the Zemindar, otherwise the tenants' interests might too often suffer.

"Next, as to the method of paying the village officers, there is, I think, upon the whole a decided superiority on the side of salaries paid by the State to payments by grain-fees deducted either from the gross produce, or from the proprietor's share, or from the ryot's share, or by inams, or deductions from the peshkash, or by cash payments from the proprietors themselves. For, in the long period of time which has elapsed since the Regulations of 1802 were passed, when the law laid down that the merahs of all village servants should be recorded by the Karnams in the registers kept by them, so many changes have taken place and so many abuses have crept in, that it is impossible to say what are the rates of deduction which formed the bases for the ancient fees. Consequently, the village officers find it extremely difficult to recover their dues from, or to fix the responsibility for their payment on, the Zemindars or their ryots, and where there is so much uncertainty it is hopeless for the Civil Courts to assist the village officers in realizing their dues. The only effective remedy for this state of things, therefore, seems to be that adopted in Government villages, viz., to sweep away all ancient modes of p yment, and to substitute fixed salaries which can be paid by Collectors out of the fund proposed to be formed for the purpose.

"So far as the Government is concerned, the action which it can take under the Bill is permissive. It is not bound to apply the Bill, directly it becomes law, to all or any of the permanently-settled estates in the Presidency, but can do so only to such as it may think fit, and in respect of only such of the classes of village officers mentioned in section 2 as it may deem expedient. Indeed, it will probably be found expedient to extend the Act in the first instance to Karnams only, and its extension to other classes of village officers, either subsequently or simultaneously, can follow as funds for paying them become available, but in order to apply the Act at all it will be necessary, first of all, to inquire into all the Village Service inams in the estates to which it is intended to be applied and to ascertain what will be the financial result of enfranchising them from their tenure of servitude. Action under section 13 to enfranchise the inams may, I consider, be taken by the Government before the Act is declared applicable to any particular class of village servants. When the enfranchisement has been worked out, and when the necessary action under section 23 has also been taken,

then the Act may be put in force to one class of servants after another, or to all together, when and where sufficient funds are available. But all this will take a good deal of time to carry out—so long, in fact, that I trust that before the Act is generally put into force, a Bill amending the Rent Recovery Act (Act VIII of 1865) will have become law. Moreover, in connection with the imposition of the cess it will be impossible to introduce it with any feeling that it is being properly assessed until all the proprietary estates in the Presidency are surveyed. It will not, of course, be necessary to wait for this survey in order to apply the Act; that may be done first, but afterwards, with the aid of the improved village establishments, the survey should, I consider, be carried out, and the assessment of the cess be revised with reference to the true areas shown by the survey. The proprietors of permanently-settled estates may therefore regard the Bill with equanimity. It cannot, even when passed into law, affect them for a considerable time to come, and when it is law it will do so gradually and in a manner which, I think, they will find will not only be greatly to their own advantage, but also to the advantage of their tenantry, while the efficiency of their village officers will be much increased and their position improved by it.

"My Lord, the Government has been censured in the Press for exhibiting haste or even precipitancy in connection with the introduction of the present Bill into the Council. Considering, however, that the question of amending the law relating to Karnams in permanently-settled estates has been urged on Government by the highest authorities and by Zemindars themselves, at intervals, during the last three-quarters of a century, such censure seems to me to be ludicrously unjust. Ten years ago, in 1883, a Bill to amend the law was introduced into the Council and was reported on by a Select Committee, but, owing to the necessity of having to address the Government of India with reference to the formation of a Special Fund for the payment of the Karnams, the Bill was sent back to the Select Committee for re-consideration in 1884, and the Board of Revenue was called on for a report on the question of the formation of such a fund. The Board reported in 1885 proposing various changes in the Bill. Matters remained in *statu quo* till 1888 when, in passing orders on His Excellency the Governor's Minute on his tour in Travancore and Malabar, the Government noticed that all the members of the Select Committee on the Bill had disappeared from the Council, and for that and other reasons (chief among which was the fact that in consequence of the Board's suggestions the Bill would have to be recast) it was resolved to drop the Bill of 1883 altogether. The present Bill has, by degrees, during the last four years, taken its place, and I think that its presentation after ten years of deliberation and discussion on the subject to which it relates, can hardly be called precipitancy. I should have been glad to have been able to introduce the Bill to the reformed Council in its full strength, but circumstances, over which this Government have no control, have caused a delay in the appointment of the new members, and after waiting for a month it is impossible to wait longer unless the whole session is to be wasted so far as this Bill is concerned. I therefore now introduce it and move that it be referred to a Select Committee composed of—

The Hon'ble the Maharajah of Vizianagrum, G.C.I.E.
The Hon'ble the Advocate-General.
The Hon'ble Mr. H. F. Clogstoun.
The Hon'ble V. Bhashyam Aiyangar, Rai Bahadur.
The Hon'ble Mir Humayun Jah Bahadur, C.I.E.
and myself,

with orders to report within one month."

"I also move that the two petitions read by the Secretary be transferred to the Select Committee named."

The Bill having been introduced, the following motions were put to the Council and carried:—

(1) that the Bill be referred to the Select Committee named by the Honorable Member in charge of the Bill;

(2) that the petitions read by the Secretary be transferred to the said Select Committee.

The Council then adjourned *sine die.*

(By order.)

FORT ST. GEORGE,
28th February 1893.

A. BUTTERWORTH,
Ag. Under-Secretary to Govt.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Abstract of the Proceedings of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 3 P.M. on Tuesday, the 28th day of March 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*

The Hon'ble Sir H. E. STOKES, K.C.S.I.
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble Mr. H. F. CLOGSTOUN.
The Hon'ble MIR HUMAYUN JAH BAHADUR, C.I.E.
The Hon'ble the MAHARAJAH OF VIZIANAGRAM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.

APPOINTMENT OF ADDITIONAL MEMBERS UNDER THE INDIAN COUNCILS ACT, 1892.

His Excellency the **PRESIDENT**, having announced that the Hon. Mr. J. A. Boyson had taken his seat as an Additional Member of Council, said :—

"At this meeting of the Legislative Council, I think it is my duty to announce to the Council that the rules for the admission of Additional Members elected to the Council have been forwarded to the Government by the Government of India : and we are now in a position to know what our future position will be. We have to ask certain bodies in Madras to recommend for nomination seven members. The various bodies to be consulted are the Corporation of Madras, the Senate of the University of Madras, the Association of Traders or Chamber of Commerce, the Municipalities and the Local District Boards. They return altogether on the non-official side eleven members. I find that, after asking the Corporation of Madras, the Senate of the University of Madras, and the Municipalities and District Boards to fill up the six places, there will not be a seat available for which to ask the Chamber of Commerce to nominate on this occasion any member, but as the Honorable Mr. Boyson has just taken his seat as an Additional Member, especially as representing the commercial interests of Madras, I think that body—the Trade and Commerce of Madras—will understand that their interests will be represented by Mr. Boyson, and that there is not available another seat on the non-official side. It is proposed that we should ask the Corporation of Madras and the Senate of the University to send us the name of a member within two months from the date of the request. We have been considering the question as regards the Municipalities and District Boards, and we have thought it advisable in the first instance to ask every Municipality in the Presidency of Madras to forward to us the name of a candidate. I should first of all state that the idea is to divide the Municipalities into two groups—one North and one South—and we should receive from each

Municipality the name of one candidate. Having received the names of candidates, we shall then send them back to the respective Municipalities, who will also appoint a delegate to sit in congress along with the other delegates, and they will elect a member whose name will be sent to the Governor in Council for recommendation for admission to the Legislative Council. We propose that the delegates for the South should assemble at Trichinopoly as being the most central spot in the South, and we have selected Bezváda as the place at which members of the North should meet. The delegates from the Municipalities will meet there and will among themselves arrange to send up one member for nomination to the Legislative Council. We propose to do the same also with regard to District Boards. We shall ask each District Board to send up the names of candidates and also the names of delegates, and we propose they should send in their recommendations, or rather the names of candidates they select, by the 14th of May. The absolute election by delegates will take place at the two centres mentioned on the 24th June. By this means we hope to fill up the non-official members in the manner recommended by the rules that have been sanctioned for our guidance. We shall then elect or nominate six more official members, and the whole Council thus constituted will consist of twenty-five members. I think I should state that in this manner we think it will be possible for each Council to have the name before them of any member of the community who wishes to become a member of the Council, as Municipal Councils and District Boards have powers of selecting any member residing within the Municipalities or districts in which they are situated, and therefore it will be open to any individual in this country if he wishes to be put forward as a member of the Legislative Council to bring his name either before the Municipality or the District Board within which he happens to live. In view of the large number of Municipalities existing in this Presidency I apprehend such a scheme will be found to be rather unwieldy in working, but we consider it will be advisable, in the first instance, to try whether this plan is likely to work well, for we believe that it will be advisable that everybody should have an opportunity to come forward and make his wish known. If we restricted the Municipalities and District Boards, as we might have done, and only asked a few of them to send up representatives, a large part of the country might have felt that they were kept out and there would, therefore, have been dissatisfaction. I will now proceed with the business before the Council."

Revision of the Land Assessment in Tanjore.

With permission of His Excellency the President, the Hon'ble V. Bhashyam Aiyangar, Rai Bahadur, asked the following questions on behalf of the Honorable C. Sankaran Nayar:—

(1) Whether the Board of Revenue have made their final proposals for the revision of the Land Revenue assessment in the Tanjore district?

His Excellency the President replied in the affirmative.

(2) Whether such proposals will result in an increase in the assessment, and if so, what will be the percentage of such increase?

His Excellency replied—"Yes. The proposed increase amounts to 12½ lakhs of rupees or to 30 per cent. approximately on the present demand."

(3) Whether the Government proposes to pass orders immediately or will give the public and the people interested in the matter sufficient time to make their representation to Government on the proposals before them?

His Excellency replied—" Orders will not be passed immediately. The Government desires that the public and the people interested should have every opportunity of bringing forward their views on these matters which so nearly affect them. During all the stages of the Tanjore Settlement the authorities have welcomed the fullest discussion and have furnished to all parties interested ample information as to the data upon which the proposed rates of assessment were based. In 1890 a memorandum was drawn up giving an abstract of Mr. Clerk's scheme, now before Government, and in January 1891 this was printed and distributed throughout the district. It was criticized in a long memorial presented by the Mirasidars which was duly considered by the Collector. In addition to this, 'petitions and representations, written and 'printed, to the number of 263 were submitted, and meetings were convened on the '11th, 13th and 15th April 1891 at Negapatam, Tanjore and Kumbakónam, and were 'largely attended. Spokesmen—for the most part pleaders—were put forward, and 'enforced mainly what had found place in the memorials. Such information or expla- 'nation as could properly be given was afforded when asked for. It was very apparent, 'however" (says the Collector of Tanjore, from whose report the above extract is taken), 'that the principles of settlement and their applicability to Tanjore were far from 'being well known; that the conditions of agriculture and land-holding as an occupa- 'tion had only recently received consideration from some at least of their exponents; 'and that sober treatment of the question had become almost impossible by their 'knowledge of the total increase of revenue, which the Deputy Commissioner's pro- 'posals had worked out. (Mr. Clerk's proposed increase was 14½ lakhs). It may be 'assumed' (concludes the Collector) 'that the limit of adverse criticism has been 'reached and every trouble from which the cultivator has suffered or can suffer has 'been fully declared, while—a point of considerable importance—those most entitled 'to be heard have had their say.' This was written in July 1891, and since then Mr. Gibson, member of the Board of Revenue, has twice visited the district on settlement duty and discussed the settlement proposals with all who came to see him. At an earlier stage of the settlement, Mr. Clogstoun, the Settlement Commissioner, also paid several visits to the Tanjore district, and whilst in the Shiyáli taluk held a meeting of the most important Mirasidars to discuss the suitability of what then appeared to be the probable new rates of assessment, and have proved to be very closely approaching those now proposed.

"It will thus be evident that at different stages of the enquiry opportunities have been constantly given to the parties interested to make themselves fully acquainted with the proposals of the Settlement officers and expressions of their views freely invited.

"But before Government passes orders, I am anxious that the Board's final proposals should be fully considered, and have invited the Tanjore People's Association to make such representations on them as they may think fit. In order to bring this into effect, I asked them to send a deputation to wait on me yesterday in Madras. But on this deputation making its appearance before me yesterday, it was represented that they had not had sufficient time to consider the Board's proposals in all its bearings, and begged that the conference might be postponed for some weeks. I have therefore adjourned the meeting till May 20th, and as soon as possible after the deputation shall have stated their case, the Government will pass final orders. I may add that should any other parties not connected with the above Association desire to make any representations on the subject, the Government is fully prepared to receive them."

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT announced the assent of His Excellency the Governor-General to Madras Act I of 1893—*An Act to repeal certain obsolete enactments.*

ACT FORWARDED FOR THE GOVERNOR-GENERAL'S ASSENT.

The UNDER SECRETARY reported that the Bill to amend section 13 of the Land Customs Act VI of 1844, which was passed by the Council on the 28th ultimo, received the formal assent of His Excellency the Governor on the 9th instant, and has been forwarded for the assent of His Excellency the Governor-General.

PETITION.

The UNDER SECRETARY read a petition from the President of the Madras Landholders' Association praying that the Association and others may be given ample opportunity to consider and discuss the Proprietary Estates' Village Service Bill.

It was ordered that the petition do lie upon the table.

REVENUE ENQUIRIES BILL.

The Hon'ble Sir H. E. STOKES, K.C.S.I., moved that the Bill for facilitating enquiries into matters connected with the administration of the revenue be taken into consideration and passed into law.

The Hon'ble Member observed that, on the 28th February, when he presented the Report of the Select Committee on this Bill, he was of opinion that the proposed measure should be before the public a little longer before being passed into law. As, however, during the past month no representations regarding the Bill have been received, it must, the Hon'ble Member remarked, be concluded that the public takes no particular interest in the matter. He accordingly moved that the Bill be now taken into consideration and passed into law.

The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur, moved that a slight verbal amendment be made in the Bill by the insertion of the words "or any fact relevant thereto" after the words "matter under enquiry" in the first part of section 4.

The Hon'ble Sir H. E. STOKES, K.C.S.I., intimated that he accepted the proposed amendment, which was thereupon passed by the Council.

The motion that the Bill as amended be now passed into law was then put. The motion, which was seconded by the Hon'ble MR. GARSTIN, C.S.I., was carried and the Bill passed into law.

MADRAS STEAM-BOILERS AND PRIME-MOVERS BILL.

The Hon'ble Sir H. E. STOKES, K.C.S.I., then presented the Report of the Select Committee appointed to consider the Bill to provide for the inspection and management of steam-boilers and prime-movers attached thereto in the Presidency of Madras.

The Honorable Member observed :—

"MY LORD,—I present the Bill to provide for the inspection and management of steam-boilers and prime-movers attached thereto in the Presidency of Madras, as amended by the Select Committee. I do not propose to take any further steps with it

now, but at the next meeting of the Legislative Council, which I understand Your Excellency has decided to hold early next month, I shall move that the amended Bill be passed into law. The Report of the Select Committee is so full that it is unnecessary for me to make any observations on the changes made in the original Bill."

MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE BILL.

The Honorable Mr. J. H. GARSTIN, C.S.I., then requested permission to defer the presentation of the Report of the Select Committee on the Madras Proprietary Estates' Village Service Bill until the 12th proximo, explaining that the consultations of the Committee were almost completed but that the report had yet to be written. The Honorable Member took the opportunity to correct a misapprehension which, from the public journals, appeared to be widespread. He referred to the general belief that the presentation of a report by a Select Committee implies that the measure to which it relates is about to be passed into law at once. It was clear from the petition of the Raja of Venkatagiri that he, too, was under this impression. This however was by no means always the case. As a fact, the Honorable Member was prepared to promise that, although he intended to present the Report of the Select Committee on the 12th April, no steps would be taken to pass the Bill into law for at least six months after that date.

Leave to extend the period for the presentation of the said report having been granted, the proceedings terminated.

The Council then adjourned *sine die.*

(By order.)

FORT ST. GEORGE,
28th March 1895.

A. BUTTERWORTH,
Ag. Under Secy. to Govt.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Abstract of the Proceedings of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 3 P.M. on Wednesday the 12th day of April 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
The Hon'ble Sir HENRY STOKES, K.C.S.I.
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble C. SANKARAN NAYAR.
The Hon'ble MIR HUMAYUN JAH BAHADUR, C.I.E.
The Hon'ble the MAHARAJAH OF VIZIANAGRUM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.

CONSTITUTION OF THE COUNCIL UNDER THE INDIAN COUNCILS ACT, 1892.

His Excellency the PRESIDENT opened the Proceedings with the following remarks:—

"Before proceeding with the business of this Council, I wish to correct a mistake into which I fell in making an announcement at the last meeting of the Council regarding the future constitution of this Council. I intimated that, as the Hon'ble Mr. Boyson was a Member of the Council, I did not propose to ask the Chamber of Commerce to nominate, or rather to recommend for nomination, a person to this Council. Since then I have found out that I was under a mistake. We are obliged by the rules which guide our proceedings to ask the Chamber of Commerce, or some such body, to recommend a person for nomination to the Council. Under these circumstances, and having the Council as at present constituted, we should have to ask the three named bodies in Madras and only three altogether of the Municipal and District Boards, which would naturally be rather awkward, and we were placed in a difficult position thereby. But the Hon'ble Mr. Boyson has been good enough to relieve us of our difficulty by offering to place his resignation in my hands as soon as the Council is over. It was necessary that this meeting of the Council should have a statutory minimum. Therefore it was not possible before the meeting to accept the Honorable Member's resignation or to publish the new rules. As soon as the Hon'ble Mr. Boyson's resignation is accepted, the rules will be published and will take a form very much the same as I sketched in my opening remarks the other day. I merely intended then to foreshadow the general lines to be followed in the constitution of the Council, and did not in any way pretend to go into details. The details with regard to the future constitution of the Councils will immediately be published, and everybody will then have an opportunity of seeing what the future constitution of the Council will be. I would like also to take this opportunity of stating that we are bound down by the rules to provide seven non-official Members

of Council, and we have thought it right to divide the Municipalities into North and South groups and the District Boards similarly, as we thought thereby to get four representatives who would, so to speak, cover the whole of the country. At present there are four other non-official Members of the Council, and it is therefore not possible to introduce the representatives of any other community or body in the country until a vacancy should occur among those four Members. We are also bound by the rules to provide a seat for a gentleman representing the large land-owning community, in which position the Hon'ble the Maharajah of Vizianagrum now sits as a Member of this Council. The other three Members are two gentlemen well known in Madras, namely, the Hon'ble Messrs. Sankaran Nayar, V. Bhashyam Aiyangar, and Mir Humayun Jah Bahadur, who may be considered as specially representing the Muhammadan community. Until a vacancy occurs among these three gentlemen, it will not be possible to introduce any fresh Members into the Council."

FINANCIAL STATEMENT.

The Honorable Sir HENRY STOKES, K.C.S.I., then read the following Financial Statement:—

Note.—All figures are lakhs of rupees.

"As this is the first of the Provincial financial statements laid before this Council, I think it well to preface it for the information of Honorable Members with a brief explanation of the system of provincial contract as it is called. The expression is now somewhat of a misnomer as it implies negotiation and agreement between contracting parties, the Supreme and Local Governments, as to the terms of the arrangement; but though this was to a considerable extent true in the earlier years of decentralization, at present the Local Government has merely to take what it gets under the orders of the Government of India, and is not even informed of the details of the calculations or estimates on which those orders are based. The arrangements endure for periods of five years, and the term now current commenced with the financial year 1892–93 just expired. The charges assigned to provincial management—subject to certain restrictions as to powers of sanction and of operation on the budget grants which in practice tie our hands very tightly—include the whole of the Land Revenue and Customs charges, shares of collection charges under other divided revenue heads corresponding to the shares of receipts, certain miscellaneous salt charges, all charges of Civil departments and the grants for what I may call the minor public works, *i.e.*, all public works other than those classed as productive or protective, or appertaining to Imperial departments. To meet these charges, certain shares of revenue heads, as shown in the margin, all the receipts of Civil departments, miscellaneous receipts under Salt and Customs, and a lump sum grant which is supposed to balance the account, are assigned to the Local Government. In the current contract the lump grant is 32·54 lakhs. We are required to maintain a standing credit balance of 20 lakhs as a reserve against emergencies, but are free to spend from the balances which, either by developing the revenues in which we participate or by economizing in expenditure, we may be able to accumulate in excess of this sum.

Land Revenue, one-fourth.
Stamps, three-fourths.
Excise, one-fourth.
Assessed taxes, one-half.
Forest, one-half.
Registration, one-half.

"2. The charges under civil administrative heads of service vary but little from year to year, and are practically obligatory; and consequently the only resource of a Local Government in years of bad season and insufficient revenue is either to draw

upon its balances or to restrict expenditure on public works. This has in fact been the history of our provincial finance during the last six or seven years. In the first three years of the contract which expired with 1891–92 we had good seasons and revenue, especially land revenue and excise, advancing almost by leaps and bounds. During this period we accumulated large balances which, coupled with restricted grants for civil works, have enabled us to tide over the series of years of distress and even partial famine, which we have gone through since 1889. Notwithstanding the pressure so caused, we have, besides paying a contribution of 17½ lakhs in aid of Imperial funds, effected some considerable administrative improvements such as the reorganization of the service of Revenue Inspectors, the introduction of the Stationary Sub-Magistrates' scheme, the reform of the Police Inspectorate and the improvement of the position of Station-house officers, the re-grading of Sub-Registrars and their clerks, an addition to the number and pay of District Munsifs, and the appointment of the Sanitary Engineer and his department to advise and assist local bodies in designing and executing sanitary works. The Education grant has been increased (contributions to Local included) from 11 to 17 lakhs; the grant for Irrigation and Navigation has been raised and maintained at a figure which has secured material improvement in provincial works of this class; the construction of the Máyavaram-Mutupet Railway has been undertaken in conjunction with the District Board, Tanjore; and a sum of about 5·75 lakhs has been paid away in grants, as specified in the margin, to Municipalities in aid of schemes of drainage and water-supply, and investigation therefor.

Drainage.		*Water-supply.*	
Kumbakónam ..	·50	Trichinopoly .	2·13
Coonoor ..	·36	Madura ..	1·99
Ootacamund ..	·175	Cuddapah ..	·58

"3. Appended will be found a statement (A) showing in one view the actuals under Provincial funds for 1891–92, the budget and revised estimates for 1892–93 and the budget estimates for 1893–94. The effect of the recent series of bad seasons is shown in the rapid decline of the provincial balance. It will be observed that the balance which, on 1st April 1891, was 66·08 lakhs was reduced to 41·91 lakhs on 1st April 1892; to 24·30 lakhs on 1st April 1893; and is expected to stand at 17·00 lakhs only on 1st April 1894. The provincial deficits actual and estimated for the three years are in 1891–92, 24·17 lakhs; in 1892–93, 17·61 lakhs; and in 1893–94, 7·30 lakhs. The estimates for 1893–94, however, include a provision of three lakhs for famine relief which, if not required for that purpose, as now happily seems probable will be the case, will be added to the closing balance. The normal standing balance of 20·00 lakhs will in that event be maintained. I will now offer to the Council a few remarks in explanation of the figures for the three years.

ACTUALS OF 1891–92.

"4. The provincial contract which terminated with 1891–92 underwent some changes in the following year which are indicated in the statement. It will be noted that the figure under I. Land Revenue, Adjustments, is reduced from 41·47 lakhs in 1891–92 to 32·54 lakhs in the two following years. This item represents mainly the lump sum grant to balance the account to which I have already referred; but in 1891–92 it also included some supplemental grants for items provincialized during the currency of the contract. Setting these and corresponding payments to Imperial funds aside, the decrease represents by the resumption in the new contract of the surplus of provincial revenue realized thereunder and computed by Sir D. Barbour at 10·38 lakhs in his financial statement for 1892–93. The only other changes of importance in the terms of the contract were that Forest which was before wholly provincial has

been made a divided head and that one-fourth of ordinary charges of the Salt department and charges for Railway Police have been provincialized.

"5. The year 1891–92 closed, as has been stated, with a provincial deficit of 24·17 lakhs. The necessity for remissions and suspensions of land revenue in the districts chiefly affected by the unfavorable season imposed on Provincial funds a loss of about 12·00 lakhs; 4½ lakhs were spent in famine relief partly under Grant 33 and partly in the shape of contributions to Local funds for outlay on relief works passed through the Local Fund accounts; 3 lakhs were added to the original grant, for irrigation works put in hand for the relief of distress; and 2½ lakhs were paid to Municipalities as grants-in-aid of projects of water-supply and drainage. 2·84 lakhs net were devoted to the Máyavaram-Mutupet Railway and ·50 to the payment of the expert sent out to report on the sanitary works required in Madras City. These items, which may all be classed as extraordinary, more than account for the deficit of the year.

ESTIMATES FOR 1892–93.

"6. The budget of 1892–93 was expected to close with a balance of 14·83 lakhs only, being less than the standard balance by 5·17 lakhs and implying a deficit on the budget of 25·44 lakhs. The revised, however, shows a closing balance of 24·30 lakhs, or better than the budget by 9·47 lakhs. The statement in the margin shows how this result has accrued.

[Better + Worse —]

Revenues and Receipts—	
Principal heads of revenue—	
Land Revenue	— ·33
Salt	+ ·21
Stamps	+ 6·00
Excise	— 1·25
Customs	+ ·19
Assessed taxes	+ ·12
Forest	— ·68
Registration	+ 1·00
	+ 5·26
Civil Departments	+ 1·62
Public Works	+ ·13
Contributions	— 8·29
Other receipts	+ ·34
	— ·94
Expenditure—	
Direct demands and charges of collection	+ ·55
Civil departments	— 1·53
Famine relief	+ 7·00
Construction of Railways ..	+ 6·75
Public works	+ ·26
Contributions	— 4·65
Others	+ ·39
	+ 8·77
Opening balance	+ 1·64
Net improvement ..	+ 9·47

"7. In the beginning of December owing to the failure of the north-east monsoon in the southern districts, it was feared that there would be a large fall under Land revenue, of which the provincial share would be about 4½ lakhs, but owing to subsequent recovery of the crops and favorable seasons elsewhere, this fall has been averted. The decline under Excise is due to the distress in the early part of the year and that under Forest partly to the same cause and partly to the decreased use of wood fuel on the railways. The increase in registration is the result of large receipts of search fees in connection with loan operations and that under Civil departments to expansion of jail manufactures. The chief disturbing elements on the receipt side have been Stamps and Contributions. The former shows a large increase of 6·00 lakhs which is not yet fully explained but which appears to be due to the establishment of additional District Munsifs' Courts and to the introduction of copy stamps in revenue offices. The decrease under Contributions is due to the

postponement of the recovery from the District Board of Tanjore of its moiety of the outlay on the Máyavaram-Mutupet Railway. It was intended to complete the adjustment within the year on the very large anticipated expenditure on construction; but the recovery was deferred, as the South Indian Railway Company has allowed no less than 6·75 lakhs of the grant to lapse. The District Board will accordingly benefit by drawing interest on a large portion of its invested funds for a year longer. On the expenditure side, besides the large lapse under Railway construction, will be noticed a betterment of 7·00 under Famine Relief. This, however, is nominal. In the budget a sum of 10·00 was provided under 33. Famine Relief to meet the cost of the impending relief operations. But of the outlay actually incurred only 3 lakhs are charged directly to this head; the rest appears, according to account rules, under the heads of service, Land Revenue, Police, Irrigation, Contributions, &c., on which owing to the distress increased charges were entailed. Thus Land Revenue charges show excess of 1·52 lakhs; Police would show an excess but for the postponement of certain schemes of improvement included in the budget; Public Works shows increase of 2·72 lakhs against 3·00 added to the grant in November last to meet charges incurred on relief works; and Contributions show excess of 4·65 lakhs in payment for relief works carried on through the agency of local bodies. The direct outlay from Provincial funds on relief during 1892–93 will not fall short of 11 lakhs. The revised estimate shows excess over budget under Law and Justice due to the new District Munsifs' and City Civil Courts, and to an increase, the consequence of distress in the country, in the strength and cost of the jail population. The decrease of 3·05 lakhs under Civil Works, Municipal, is due to non-payment of grants to Municipalities which were provided for in the budget but in respect of which the financial and other arrangements to be made by the Councils were not complete.

"8. From the foregoing details it will be seen that the chief causes of the improvement in the revised as compared with the budget estimates are the improvement in stamp revenue and the reduced charge for the Municipal grants just referred to.

BUDGET OF 1893–94.

"9. The revenue estimates for the current year under Stamps and Excise are undoubtedly cautious and are likely, the latter especially, to be exceeded if the coming agricultural season proves favorable. The estimate of Forest revenue is the same as that originally framed for the current year. Under Contributions provision is made for the recovery of the District Board's share of expenditure on the Máyavaram-Mutupet Railway up to the end of 1892–93.

"10. On the expenditure side adequate sums have been allotted for the various services. The Land Revenue head contains full provision for the Stationary Sub-Magistrates' scheme brought into force in October last at a cost of 2½ lakhs a year; under Forest about ·80 lakh is provided for the reorganization of the Subordinate Forest service; under Registration ·38 for that of the clerical establishment; and under Police 1·12 towards a scheme for strengthening the reserves and process-service establishments and opening some new stations. The provision under Famine Relief has already been adverted to. That under Civil Works, Municipal, will suffice to meet such of the promised Municipal grants as are likely to be required within the year. The Public Works grants proper amount to 56·00. A statement (B) is appended which shows, in abstract, how these grants are distributed.

"11. The head Interest, which appears on both sides of the estimates, needs some explanation. The Government of India has established an advance and loan account

between Imperial and Provincial funds, under which the former finds money for loans to local bodies, loans under the Land Improvement Acts, and advances for other sundry purposes. The Provincial Governments are responsible for any losses of principal which may accrue and have to pay to Imperial funds interest at 4 per cent. on the mean balance outstanding each year, but cover themselves by charging as a rule somewhat higher rates to the recipients of the loans. It will be noted, however, that the expenditure under the head Interest is in excess of the receipts during the years comprised in statement (A). This is due to the provisions of the special rules for loans for construction of wells under which interest has been charged only at 3 per cent. and does not accrue during the period allowed for construction. As the great bulk of the loans for this purpose which are outstanding was advanced in 1892-93, there has as yet been no demand of interest on much of it. Since June 1892 the rate of interest under the special rules has been raised to 4 per cent.; and the loss to Provincial funds—which, however, is, in the opinion of Government, well worth incurring for the object in view—will in future be much reduced.

"12. The foregoing remarks sufficiently explain, I think, the financial programme for the current year. The present contract is somewhat more onerous than the last one, but with fairly good seasons which will allow a normal development of the provincial revenues, Government should be in a position during the remaining three years of the contract to provide adequately for the services confided to it.

"13. A statement of provincial finances is not complete without a presentment of the estimates of Local Boards and of Special funds. With these, provincial finance is closely bound up, since Provincial funds are required by the Government of India to accept any deficits which may accrue under individual funds classed as local. In the year 1892-93 a sum of 2·92 was charged to Provincial funds on this account, but arrangements are being made to recover the greater part of this amount in 1893-94 in the budgets of these funds. In connection with the relief of distress the Government has had to require local bodies to assist to the extent of their means in respect of works of a kind ordinarily chargeable to their funds; but in settling the contributions to be made from Provincial funds in aid of this expenditure care has been taken to place the District funds concerned on a solvent footing. Appended will be found a statement (C) showing the general actuals and estimates of Local and Special funds for 1891-92, 1892-93 and 1893-94.

"14. It will be observed that in this statement, a *minus* closing balance appears in the budget estimate for 1893-94 under Local Funds, Act V of 1884. This, however, will not accrue. The estimates given are those adopted by the Government of India for the Imperial budget. That Government has to deal with the funds as a whole, and has not before it the separate budgets for each district, which are not available when the Imperial estimates are prepared. The review of these separate budgets has now been completed by this Government with the result that all District funds show credit balances aggregating 5·59 lakhs. The figures are as follows:—

1893-94—	LAKHS.
Opening balance	9·69
Receipts	78·93
	88·62
Expenditure	83·03
Closing balance	5·59."

(A.)

Provincial Accounts and Estimates.

Heads of Revenue.	Actuals, 1891–92.	Budget estimate, 1892–93.	Revised estimate, 1892–93.	Budget estimate, 1893–94.
	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Principal Heads of Revenue—				
I.—Land Revenue—				
Proper	108·04	125·33	125·00	126·41
Adjustments ..	41·47	32·54	32·54	32·54
III.—Salt	1·18	1·44	1·65	1·65
IV.—Stamps	50·61	49·50	55·50	53·25
V.—Excise	30·35	31·00	29·75	30·75
VII.—Customs	·35	·35	·54	·44
VIII.—Assessed Taxes ..	8·68	8·63	8·75	8·75
IX.—Forest	16·94	9·50	8·82	9·50
X.—Registration ..	6·17	5·80	6·80	6·75
Total ..	263·79	264·09	269·35	270·04
XII.—Interest	·44	·63	1·00	1·59
Post Office, Telegraph and Mint—				
XIII.—Post Office ..	..	..	·01	..
Receipts by Civil Departments—				
XVI.—Law and Justice—				
A.—Courts of Law	6·57	6·50	6·50	6·95
B.—Jails	2·58	2·13	3·30	3·00
XVII.—Police	4·27	4·27	4·30	4·38
XVIII.—Marine	·04	..	·01	·01
XIX.—Education ..	1·33	1·42	1·43	1·55
XX.—Medical	·31	·73	·80	·85
XXI.—Scientific and other Minor Departments ..	1·39	1·86	2·19	2·18
Total ..	17·49	16·91	18·53	18·92
Miscellaneous—				
XXII.—Receipts in aid of Superannuation.	·34	·36	·33	·33
XXIII.—Stationery and Printing ..	·91	1·00	·85	1·11
XXV.—Miscellaneous ..	1·50	1·39	1·43	1·44
Total ..	2·75	2·75	2·61	2·88
Railways—				
XXVI.—State Railways (Gross traffic receipts)	..	..	..	..
Irrigation—				
XXX.—Minor Works and Navigation ..	1·61	1·50	1·55	1·55

Heads of Expenditure.	Actuals, 1891–92.	Budget estimate, 1892–93.	Revised estimate, 1892–93.	Budget estimate, 1893–94.
	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Direct Demands on the Revenues—				
1.—Refunds and Drawbacks ..	1·30	1·02	1·27	1·10
Charges in respect of Collections—				
3.—Land Revenue ..	48·70	48·51	50·03	49·67
5.—Salt	·83	6·21	5·29	6·27
6.—Stamps	1·29	1·89	2·00	1·95
7.—Excise	1·40	1·68	1·42	1·65
9.—Customs	1·58	1·63	1·72	1·72
10.—Assessed Taxes ..	·08	·08	·08	·10
11.—Forest	13·13	8·04	6·95	3·12
12.—Registration ..	3·55	3·93	3·68	4·05
Total ..	71·86	72·99	72·44	74·63
Interest—				
13.—Interest on ordinary debt ..	·69	1·03	1·42	2·00
Post Office, Telegraph and Mint—				
15.—Post Office ..	·90	·95	·80	·80
Salaries and Expenses of Civil Departments—				
18.—General Administration	10·07	9·72	10·17	9·48
19.—Law and Justice—				
A.—Courts of Law	43·04	43·76	44·40	45·00
B.—Jails	9·76	9·00	10·15	9·35
20.—Police	41·61	43·21	42·00	48·59
21.—Marine	1·51	1·21	1·20	·50
22.—Education ..	14·54	15·67	15·67	16·15
24.—Medical	11·58	11·20	11·99	11·80
25.—Political	·76	·76	·78	·77
26.—Scientific and other Minor Departments	3·51	4·09	3·79	4·07
Total ..	136·38	138·62	140·15	140·71
Miscellaneous Civil Charges—				
29.—Superannuation Allowances and Pensions	13·17	14·50	13·60	13·31
30.—Stationery and Printing	7·53	7·38	7·49	7·50
32.—Miscellaneous ..	1·52	1·35	1·51	1·36
Total ..	22·22	23·23	22·60	22·67
Famine Relief and Insurance—				
33.—Famine Relief ..	1·57	10·00	3·00	3·00
Construction of Railways—				
37.—Construction of Railways, &c. ..	4·27	15·50	8·75	6·75
Railway Revenue Accounts—				
41.—Miscellaneous Railways	·36	..	..	..

(A.)

Provincial Accounts and Estimates—*cont.*

Heads of Revenue.	Actuals, 1891–92.	Budget estimate, 1892–93.	Revised estimate, 1892–93.	Budget estimate, 1893–94.	Heads of Expenditure.	Actuals, 1891–92.	Budget estimate, 1892–93.	Revised estimate, 1892–93.	Budget estimate, 1893–94.
Buildings and Roads—	LAKHS.	LAKHS.	LAKHS.	LAKHS.	Irrigation—	LAKHS.	LAKHS.	LAKHS.	LAKHS.
XXXII.—Civil Works—					43.—Minor Works and Navigation ..	39·99	31·50	33·59	32·00
Civil	·19	·22	·22	·50					
P.W.D. ..	1·43	1·18	1·26	1·50	**Buildings and Roads—** 45.—Civil Works—				
Total ..	1·62	1·40	1·48	2·00	Civil—Agency Works ..	1·00	·90	·97	1·09
Contributions from Local Funds—					Civil—Municipal Works.. ..	3·22	5·40	2·35	3·92
Ordinary	2·09	1·51	2·43	1·76	Public Works Department ..	27·16	23·00	23·63	24·00
Máyavaram-Mutupet Railway	1·43	11·34	2·13	7·87	Total ..	31·38	29·30	26·95	29·01
Total ..	3·52	12·85	4·56	9·63	**Contributions to Local Funds**	5·77	2·35	7·00	2·34
Total Revenue and Receipts.	291·22	300·03	298·09	306·61	Total Expenditure ..	315·39	325·47	316·70	313·91
Opening Balance	66·08	40·27	41·91	24·30	**Closing Balance**	41·91	14·83	24·30	17·00
Grand Total ..	357·30	340·30	341·00	330·91	Grand Total ..	357·30	340·30	341·00	330·91

(B.)

DETAILS of Provincial expenditure under *43. Irrigation*—Minor Works and Navigation.

	Budget, 1892–93.	Revised, 1892–93.	Budget, 1893–94.
	LAKHS.	LAKHS.	LAKHS.
WORKS FOR WHICH CAPITAL AND REVENUE ACCOUNTS ARE KEPT.			
Capital.			
Buckingham canal	1·87	1·72	1·61
Other works	·34	1·41	1·89
	2·21	3·13	3·50
Revenue.			
Buckingham canal	1·16	1·16	1·04
Other works	3·25	2·99	2·07
	4·41	4·15	3·11

(B.)

Details of Provincial expenditure under *43. Irrigation*—Minor Works and Navigation—*cont.*

	Budget, 1892-93. LAKHS.	Revised, 1892-93. LAKHS.	Budget, 1893-94. LAKHS.
WORKS FOR WHICH NEITHER CAPITAL NOR REVENUE ACCOUNTS ARE KEPT.			
Old maintenance charges	3·64	3·64	3·64
Ordinary works—			
Major	2·11	2·55	1·36
Minor	1·33	·96	1·40
Repairs	3·61	4·41	4·30
Establishment	1·59	1·83	1·63
Tools and plant	·02	·12	·11
	8·66	9·87	8·80
Tank Restoration works—			
Investigation—			
Works	·26		·23
Establishment	·65		·56
Tools and plant	..		·01
	·91	·66	·80
Execution—			
Works	1·05		1·58
Establishment	·74		·85
Repair	1·97		2·11
Tools and plant	..		·05
	3·76	4·31	4·59
Kistna Upland Project	·04	·09	·06
Minor works, Revenue Department ..	4·00	4·00	4·00
Agricultural Works—			
Works	·85	·84	1·11
Repairs	2·24	2·15	1·69
Establishment	·73	·71	·66
Tools and plant	·05	·04	·04
	3·87	3·74	3·50
Total ..	31·50	33·59	32·00
Abstract—			
Works	8·45	9·39	9·19
Repairs	15·66	16·48	15·44
Establishment	7·10	7·41	7·08
Tools and plant	·27	·29	·29
Refunds	·02	·02	..
	31·50	33·59	32·00

DETAILS of Expenditure under *45. Civil Works*—Public Works Department.

ORIGINAL WORKS.

Civil Buildings.

	Budget, 1892–93.	Budget, 1893–94.
Administration—	LAKHS.	LAKHS.
Collectors' offices	·26	·05
Head Assistant Collectors' offices	·18	·10
Deputy Collectors' offices	·05	·13
Deputy Tahsildars' offices	·26	·26
Sub-Magistrates' offices	·23	·12
Taluk offices	1·24	1·93
Sub-Jails	..	·09
	2·22	2·68
Government House, Ootacamund	·10	·10
Body Guard Lines	·20	..
Accountant-General's office	..	·04
Stamp, &c., offices in High Court	..	·40
	·30	·54
Total, Administration	2·52	3·22
Law and Justice—		
Munsifs' Courts	·31	·63
Vakils and Barristers	·96	·92
High Court buildings	·85	..
Others	..	·06
	2·12	1·61
Jail Buildings	·16	·65
Police Buildings	·37	1·38
Education—		
Presidency College	·20	..
Law College	..	·50
Engineering College	·08	·43
Connemara Library	1·22	·69
Others	·04	·05
	1·54	1·67
Medical—		
Women and Children's Hospital	1·55	·80
Lunatic Asylum, Madras	·06	·27
Leper Hospital	..	·14
Other works	..	·09
	1·61	1·30

Details of Expenditure under *45. Civil Works*—Public Works Department—*cont.*

ORIGINAL WORKS—*cont.*

Civil Buildings—cont.

	Budget, 1892-93.	Budget, 1893-94.
	LAKHS.	LAKHS.
Miscellaneous—		
District Surgeons' quarters	·03	·04
Collectors' and Head Assistants' quarters	·15	·05
Engineers' offices	·06	..
Registration offices	·19	·44
Army Head-quarters (Mountstuart)	..	·11
	·43	·64
Total, Departmental works ..	8·75	10·47
Other minor works ..	·58	·86
Reserve with Government ..	1·72	2·47
Total, Civil Buildings ..	11·05	13·80
Communications—		
Ganjam — Berhampore-Govindapur road	·30	..
Ganjam — Mahasingi bridge	·14	·09
Ganjam — Hiramandalam-Battilli road	·02	..
Ganjam — Tekkali-Anantagiri road	·13	..
Ganjam — Kallikot-Boirani road	..	·15
Ganjam — Kalingia-Tekkapalli road	..	·04
West Coast — Vayitri-Gúdalúr road	1·00	..
West Coast — Maisur Frontier road	..	·30
Madura—Periyakulam-Cumbum road	·38	·05
Vizagapatam—Potinghi-Koraput road	·01	..
Minor works	·10	·10
Total, Communications ..	2·08	·73
Miscellaneous Public Improvements	·02	·05
Grand Total, Original Works ..	13·15	14·58
Repairs—		
Buildings	1·70	1·66
Communications	1·15	1·19
Miscellaneous Public Improvements	·15	·15
Total, Repairs ..	3·00	3·00

Details of Expenditure under *45. Civil Works*—Public Works Department—*cont.*

	Budget, 1892-93.	Budget, 1893-94.
Establishment—	LAKHS.	LAKHS.
Engineers	6·68	6·39
Upper Subordinates	3·47	3·61
Lower do.	·16	·16
Petty establishment	2·03	2·05
Office do.	2·79	2·80
Temporary do.	1·72	1·72
Local allowances	·29	·25
Travelling allowances	2·00	2·30
Contingencies	·45	·50
Total, Executive Establishment	19·59	19·78
Account Branch	1·65	1·76
Total (Gross) Establishment	21·24	21·54
Deduct contributions from—		
Court of Wards	·07	·03
Imperial Military Works	·17	·17
Imperial Civil Works	·06	·07
Incorporated Local Funds	·08	·04
Excluded Local Funds	..	..
35. Protective Works	·83	·80
42. Major Works	4·58	5·07
49. Capital Expenditure on Major Works	2·30	2·96
43. Minor Works	7·10	7·08
Total, Contributions	15·19	16·22
Net Provincial Establishment	6·05	5·32
Tools and Plant—		
Public Works Workshops	·03	·04
Do. Stores	·10	·10
London supplies	·71	1·00
Others	·17	·18
	1·01	1·32
Deduct Contributions	·21	·22
Net Tools and Plant	·80	1·10
Abstract—		
Civil Buildings	12·75	15·46
Communications	3·23	1·92
Miscellaneous Public Improvements	·17	·20
Establishments	6·05	5·32
Tools and Plant	·80	1·10
Total	23·00	24·00

(C.)

INCORPORATED Local and Special Fund Accounts and Estimates.

Heads of Revenue.	Actuals, 1891–92.		Budget estimate, 1892–93.		Revised estimate, 1892–93.		Budget estimate, 1893–94.	
	Local Funds Act V of 1884.	Special Funds.	Local Funds Act V of 1884.	Special Funds.	Local Funds Act V of 1884.	Special Funds.	Local Funds Act V of 1884.	Special Funds.
I. Land Revenue	1·05	9·04	1·08	8·44	1·14	9·86	1·10	8·85
VI. Provincial rates	45·23	29·69	49·00	39·73	49·83	39·67	50·21	41·79
XII. Interest	·69	·33	·60	·33	·67	·33	·52	·33
XIX. Education	1·89	..	2·07	..	2·03	..	2·25	..
XX. Medical	·16	..	·22	..	·20	..	·18	..
XXII. Superannuation	·01	..	·01	..	·01	..	·01	..
XXV. Miscellaneous	5·53	·16	5·00	·46	5·89	·11	5·35	·12
XXXII. Civil Works	9·67	·31	9·50	·04	9·40	·02	9·50	·02
Contributions	5·64	1·12	2·25	·10	6·92	·08	2·26	·08
	69·87	40·65	69·73	49·10	76·09	50·07	71·38	51·19
Total, Revenue	110·52		118·83		126·16		122·57	
Surplus or deficit	— 7·14	— 2·77	— 17·30	+ 2·07	— 5·58	+ 5·91	— 15·63	+ 3·89
	— 9·91		— 15·23		+ ·33		— 11·74	
Opening balance	26·84	35·71	49·60		17·56	32·94	11·98	38·85
	62·55				50·50		50·83	

Heads of Expenditure.	Actuals, 1891–92.		Budget estimate, 1892–93.		Revised estimate, 1892–93.		Budget estimate, 1893–94.	
	Local Funds Act V of 1884.	Special Funds.	Local Funds Act V of 1884.	Special Funds.	Local Funds Act V of 1884.	Special Funds.	Local Funds Act V of 1884.	Special Funds.
1. Refunds	·08	·19	·22	·03	·16	·12	·18	·01
3. Land Revenue	..	41·43	..	46·02	..	43·19	..	46·34
14. Interest on other obligations	·06	..	·69	..	·10	..	·08	..
18. General administration	2·75	..	2·85	..	3·05	..	3·15	..
22. Education	10·29	..	12·00	..	10·80	..	12·00	..
24. Medical	13·01	..	13·50	..	13·29	..	13·50	..
29. Superannuation	·06	..	·10	..	·08	..	·10	..
32. Miscellaneous	2·72	—	3·18	..	3·03	..	3·18	..
43. Minor Works and Navigation	..	·23	..	·31	..	·22	..	·23
45. Civil works	44·44	·66	42·20	·62	47·60	·63	45·28	·68
Contributions	8·60	·91	12·80	·05	3·56	1·00	9·54	·09
	77·01	43·42	87·03	47·03	81·67	44·16	87·01	47·39
Total, Expenditure	120·43		134·06		125·83		134·31	
Debt deposits (nett)	2·14	..	..	..	..	..	..	..
Closing balance	17·56	32·94	34·37		11·98	38·85	— 3·65	+ 42·74
	50·50				50·83		39·09	

The Financial Statement having been read, His Excellency the PRESIDENT asked whether any Honorable Member desired to make any observations thereon.

The Hon'ble C. SANKARAN NAYAR said :—

"I have very few remarks to offer. They are made simply for the purpose of eliciting information on certain matters referred to in the Statement. If they may be explained to the Council, I should like to hear the reasons that necessitated the contribution of 17½ lakhs in aid of the Imperial Funds.

"The Honorable Member has referred to the appointment of a Sanitary Engineer and his department to advise and assist local bodies. Is this intended as a permanent arrangement, and do the results already obtained justify the creation of a special department?

"There is another matter which appears to me to require some explanation—the increase in the charges in respect of collections of Salt revenue from ·83 for 1891–92 to 5·29 according to the revised estimates for 1892–93.

"It does not also appear from the Statement whether the expert to whom a large sum has been paid for a report on the sanitary works required in Madras City has yet submitted his report."

The Hon'ble Sir HENRY STOKES in reply observed :—

"The contribution of 17½ lakhs in aid of Imperial funds was paid, not for any specific purpose, but merely to help the Government of India out of difficulties that it was threatened with. The Imperial Government was compelled to call upon the Provincial Governments for assistance, and, in all, the sum of 49 lakhs was received, of which Madras paid 17½ lakhs, Bombay 17½ lakhs, and the other local Governments the remainder. The next point concerns the Sanitary Engineer. The Sanitary Engineer's department, except certain men who have been appointed on a temporary footing for the execution of particular works, is permanent. The Sanitary Engineer is employed in designing and executing sanitary works for Municipalities and Local Boards. He has already prepared six or seven schemes for different towns, and has in hand six or seven more. He has besides visited and inspected nearly all municipal towns. The only difficulty is to find funds to carry out the schemes. I consider that his appointment has been fully justified and the same view is taken by the Sanitary Commission in England, which has recently referred in favorable terms to the sanitary works undertaken in Madras. The next point relates to the change in the Salt charges. That change, the Honorable Member will find, is referred to in paragraph 4 of my remarks. The change was introduced in the new contract of 1892–93 under which one-fourth of the ordinary Salt charges was made Provincial, whereas they were before Imperial, and the increase in the provision simply represents the charges provincialized. We now pay one-fourth of the whole charges, before, we did not; that is the whole matter. The fourth point is the payment of an expert for sanitary works in Madras. The expert was Mr. Cousens, a distinguished Sanitary Engineer, who was sent out by the Secretary of State to investigate the sanitary requirements of Madras City. He spent the cold weather of 1891–92 out here, and went home in April 1892; he has been engaged in writing out his report ever since. The Secretary of State has informed us that the report may be shortly expected and has explained that the delay in submitting it is due in part to Mr. Cousens' illness."

The Hon'ble V. BHASHYAM AIYANGAR also made some observations upon the Financial Statement; the Honorable Member said :—

"YOUR EXCELLENCY,—A copy of the Financial Statement just presented to the Council by the Hon'ble Sir Henry Stokes having been circulated to the Members

only a few days ago, my remarks will be necessarily confined to matters apparent on the face of the Statement. It is very much to be regretted that the Local Government, which in the earlier years of the system of decentralisation was allowed an active part in negotiating and settling with the Government of India the terms of the Provincial Contract, should now have hardly any voice in the mattter and should have to take what it gets under the orders of the Supreme Government, without even being informed of the details of the calculations of estimates on which those orders are based. If the decentralisation scheme is to be thus worked and the apparent latitude given to the Local Government in the matter of expending the Provincial allotment is further narrowed by restrictions as to powers of sanction and of operation on the budget grants so as practically to tie the hands of the Local Government very tightly, as observed by the Hon'ble Sir Henry Stokes, the decentralisation scheme will be productive of results the very opposite of those expected to be attained by the scheme. The history of our Provincial Finance as disclosed in the Statement seems to be highly satisfactory, especially when we bear in mind that since 1889 we had to go through a series of years of distress and even partial famine and to pay a contribution of 17½ lakhs out of our Provincial allotment in aid of Imperial Funds. Unnecessary expenditure has been carefully avoided and funds made available for carrying out certain important sanitary and administrative reforms calculated to promote the well-being of the people and the efficiency of certain departments of the public service. The increase in the Education grant from 11 to 17 lakhs and the provision made under special rules for loans for construction of wells are particularly noteworthy. The scheme for the restoration and improvement of tanks throughout the Presidency and of minor irrigation works is one of incalculable benefit to the agricultural classes, and under this head a considerable amount has been spent, which, I have no doubt, will be more than amply repaid by increase in land revenue. The grant of 5·75 lakhs to the various Municipalities in aid of schemes of drainage and of water-supply will unquestionably result in material improvement of the public health. The introduction of the Stationary Sub-Magistrate scheme, while it will be conducive to the more efficient discharge of revenue functions of the Tahsildar, will be appreciated as a great boon by the public as the first step towards reform in the direction of not combining in one and the same official both revenue and magisterial functions. The reform of the Police Inspectorate and the improvement of the position of station-house officers and the regrading of sub-registrars and their clerks and the addition to the number and pay of District Munsifs, could no longer have been postponed without serious detriment to the interests of the public."

No other observations being offered, His Excellency the PRESIDENT declared the discussion of the Financial Statement to be closed, and the other business before the Council was then proceeded with.

ACT ASSENTED TO BY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT announced the assent of His Excellency the Governor-General to Madras Act II of 1893—*An Act to amend Section* 13 *of the Land Customs Act VI of* 1844.

ACT FORWARDED FOR THE GOVERNOR-GENERAL'S ASSENT.

The UNDER SECRETARY reported that the Bill for facilitating enquiries into matters connected with the administration of the Revenue and into the conduct of Public servants, which was passed by the Council on the 28th ultimo, had received the formal

assent of His Excellency the Governor on the 8th instant, and had been forwarded for the assent of His Excellency the Governor-General.

MADRAS VILLAGE CESS BILL.

The Hon'ble Mr. J. H. GARSTIN then moved that the Bill for the levy of a cess for the remuneration of village officers and for carrying out other purposes connected with the discharge of their duties, as amended by the Council at its meeting on the 17th January last, be taken into final consideration and passed into law. The Honorable Member observed—

"MY LORD,—Nearly three months have passed since the Bill for the levy of a cess for the remuneration of Village officers and for carrying out other purposes connected with the discharge of their duties was taken into consideration along with the report of the Select Committee on it. It has been approved by the Secretary of State and the Government of India, and as there have been no representations of any kind against it, I move that it be now taken into final consideration and passed into law."

The Hon'ble C. SANKARAN NAYAR observed that he had opposed the Bill when it was first introduced and he found that objections had been raised to it outside the Council also. He therefore proposed that the final consideration of the Bill should be deferred until next meeting of the Council.

His Excellency the PRESIDENT asked the Honorable Member if he had any special reason for asking that the consideration of the Bill should be deferred.

The Hon'ble C. SANKARAN NAYAR said his main objection to the provisions of the Bill was that it enabled the funds of one village to be used for the purposes of another village. He found, too, that outside the Council objections had been raised and some petitions had been received with reference to the matter. He thought, therefore, that the Bill should be postponed for further consideration.

The Hon'ble Mr. GARSTIN said he was not aware that any petitions against the Bill had been received.

The Hon'ble C. SANKARAN NAYAR.—That is my impression.

The Hon'ble Mr. GARSTIN suggested that the petitions alluded to might have been received in connection with the Proprietary Estates Village Service Bill. At the time the Hon'ble C. Sankaran Nayar had made his first objection, he (the Hon'ble Mr. Garstin) had received no intimation of Mr. Sankaran Nayar's intention to do so, and he was not therefore prepared to answer off-hand questions which related to a complex matter. He thought the best plan of giving the Honorable Member an opportunity of being heard was by putting him on the Select Committee. That was done and he understood that during the course of the debates in the Select Committee the Honorable Member's objections were more or less met, and where they were not met they were overruled. He therefore considered that the Hon'ble C. Sankaran Nayar had not given good reason for deferring the final consideration of the Bill. If he mentioned any specific point which had not been answered, that would be a valid reason for deferring final consideration of the Bill.

The Hon'ble Sir HENRY STOKES said the first objection the Hon'ble C. Sankaran Nayar had raised was that the funds raised in one village could be spent in another village. A provision to this effect appeared in the old Village Cess Act, but it had been found impracticable to give effect to it, and the consequence of the provision was the accumulation of an enormous balance which could not be utilized. It would be impossible to work perhaps thirty thousand different funds separately managed. There was still less reason in the Hon'ble C. Sankaran Nayar's proposals because the village

cess has had to be levied at a practically uniform rate everywhere. The Hon'ble C. Sankaran Nayar's scheme was purely theoretical and in practice would not work.

The Hon'ble Mr. Boyson supported the Hon'ble C. Sankaran Nayar's motion that the consideration of the Bill be deferred; he understood that the public desired further consideration of the measure.

The Hon'ble Mr. Garstin replied that he had not the slightest objection to postpone the final consideration, if any reason could be advanced for so doing, but, so far as he was concerned he had not even seen any representations made against it in the public journals.

The Hon'ble V. Bhashyam Aiyangar—

"I think the Bill as now amended secures one very great advantage to the public which did not exist under the former Act. There is the guarantee in this Bill that the Government shall contribute one-half of the fund. I may state that this is a very technical and very intricate revenue matter in respect of which one cannot form a reasonable opinion unless one has studied all the details in connection with this matter. So far as the criticism of the newspapers or of petitions are concerned, it will be generally found that these proceed upon some misapprehension of the scope of a Bill and also upon want of knowledge and information as to the details and intricacies of the question. This Bill has been very carefully considered by the Select Committee, and, I believe, though the Bill was a very short one and ought in the ordinary course to have been disposed of in one or two meetings, yet we had several meetings in connection with it. And, further, a reference, I believe, was made to the Revenue Department first and afterwards to the Government of India, inasmuch as it was found that this Bill would necessitate the revision of certain rules which were to be observed by the Settlement Department in revising assessment. One great boon has been conferred upon the public and on those who have to pay cess under this Act, namely, that the Government shall contribute half of the total cost of the establishment. It is notorious that according to the immemorial custom of the country under native Governments the maintenance of the village establishment was a charge which was met out of the gross revenue, and it is that principle which I, as a Member of the Select Committee, strongly placed before the Select Committee, and I am glad to state that the Local Government took the same view and prevailed upon the Government of India to accept that principle. I do not think that there will be any use in deferring the consideration of this Bill. As for contributing a separate Village Service Fund for each village, that is an administrative detail, and those who are well acquainted with the details of administration are likely to form the most competent opinion on that point. I may make this observation—if you are to constitute a separate fund for each village, you certainly cannot levy a uniform cess throughout the Presidency; and if you make the cess vary in different districts, you may be sure that the inhabitants of neighbouring districts will complain to Government because one district is more heavily assessed under the Act than another. So the best way to deal with the matter is to impose a uniform cess throughout the Presidency, and to make the fund a general fund for the remuneration and maintenance of the village establishment throughout the Presidency. I am therefore of opinion that no specific objection can be taken to the Bill. This Bill was before the public for some time before it was referred to the Select Committee; it was before the Select Committee for a considerable time; and since the Report of the Special Committee was presented to the Council some three months have elapsed. Whenever there is a question of taxation the public will, of course, raise objections; this is nothing new. I found this matter a

very intricate one and I took considerable pains to study the subject. I am now able to form the opinion that in the long run this Bill if passed into law will work more beneficially in the interests of the landowners than any other Bill that can be suggested. There will, therefore, be no use in deferring consideration of this Bill in view to seeing whether this Bill can be modified or placed on a more satisfactory position, unless, of course, the proposition is to repeal the existing law altogether and not to substitute for it any new Act."

The Hon'ble C. SANKARAN NAYAR—

"I wish to give a few words of personal explanation. My view is that my objections were not considered by the Select Committee. As to the establishment of separate village funds which the Honorable Member who last spoke alludes to as an administrative detail, I hold that it involves an important principle of local self-government which has received the support of two Viceroys."

The Hon'ble Sir HENRY STOKES said that, with all respect to the Hon'ble Mr. Sankaran Nayar, he thought the matter had been fully discussed in Select Committee and his main objections considered.

The Hon'ble Mr. GARSTIN said he thought the chief objection on the part of Mr. Sankaran Nayar was to the existence of the Bill at all. The Honorable Member wished to have the Bill repealed as unnecessary, and that no Act should be passed to enable Government to levy a cess for the payment of village servants. His argument was that it was the duty of Government to pay these village servants, but his proposal was put to the vote and negatived at once. He had great pleasure in putting the Hon'ble Member on the Select Committee and he must thank both him and the Honorable Mr. Bhashyam Aiyangar, whose legal acumen had been of the greatest service, for their labours on the Committee. The new Bill as amended by the Select Committee had been for some time on the Legislative anvil and it was rather late in the day to raise further objections in order that its passing into law should be deferred. If any specific objections had not been considered, he would say by all means consider them; but in the absence of any specific objections, he again moved that the Bill be passed into law.

His Excellency the PRESIDENT, before putting the motion to the vote, said he had been asked to adjourn the consideration of the Bill. He thought it only right to say that he would be the last person to insist on the Bill being pushed forward in the face of strong public feeling outside. Two Honorable Members objected to the passing of the Bill, but, so far as he could see, they had no special reason to bring forward for such a delay as they proposed. They did not urge that the country had not had sufficient time to consider the Bill. He understood that the first Honorable Member wished the Bill deferred because, while on the Select Committee, he could not get various points carried as he wished. He did not show that there had been any shirking or concealment on the part of the Committee. So far as His Excellency could see, the Bill had been thoroughly discussed and considered in every way, as was amply shown by what the Hon'ble Mr. Bhashyam Aiyangar had said. The second Honorable Member did not say that he believed that the Bill was not properly discussed; but he said his attention had been called to a newspaper article which had appeared only that morning. This article was not the culmination of a series, but it had appeared suddenly that morning—almost, one might say, as an afterthought. For the last three months not a single memorial or appeal had been presented on this question, and His Excellency could not help thinking that the public had had full opportunity of

taking into consideration the various points raised by the Bill. Lastly, the Bill had been presented to the Viceroy and Secretary of State, and neither of them had any objection to the Bill going forward. Under these circumstances, His Excellency was not prepared to consider the appeal made, and it was therefore his duty to put the question that the Bill be taken into consideration and passed into law.

The motion, which was seconded by the Hon'ble Sir HENRY STOKES, was accordingly put and carried, the Hon'ble Messrs. BOYSON and C. SANKARAN NAYAR alone dissenting.

MADRAS STEAM-BOILERS AND PRIME-MOVERS BILL.

The Honorable Sir HENRY STOKES, K.C.S.I., then moved that the Bill to provide for the inspection and management of steam-boilers and prime-movers in the Presidency of Madras, as amended by the Select Committee, be taken into consideration and passed into law.

The Honorable Member observed that this Bill was of a less contentious character than the one that they had just discussed, and he did not think it would provoke much difference of opinion. No amendments had been proposed. He had been given to understand by the Honorable gentleman representing the commercial community of Madras that the Bill was considered likely to meet the purposes for which it was designed. He therefore moved that the Bill should be taken into consideration and passed into law.

The motion, which was seconded by the Honorable Mr. J. F. PRICE, was put to the Council and passed unanimously.

MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE BILL.

The Hon'ble Mr. J. H. GARSTIN, on presenting the Report of the Select Committee on the Bill to amend the law in regard to village officers in permanently settled estates, observed—

"MY LORD,—I present the Report of the Select Committee on the Bill to amend the law relating to Village officers in permanently-settled estates. The Bill as amended and the Report of the Select Committee were only published in the Gazette of yesterday evening and there has been no time for Honorable Members to study them, and as the Bill is one of considerable importance to landholders throughout the Presidency, as it has been very considerably altered in Committee, and as the report on it is very full, I do not propose on the present occasion to do more than move that the Bill as amended by the Select Committee and the Report of the Select Committee thereon be published in the *Fort St. George Gazette* and be taken into consideration six months hence. I shall then probably have some remarks to offer on it, and meanwhile there will be ample time for any one interested in the Bill to study it and make any criticisms or representations he wishes regarding it.

"The Select Committee went carefully through all the points contained in the petitions against the Bill of 1883 and against the present Bill in its original form. In its amended form I do not think that there is much room for adverse criticism. If there is I invite it, and can only promise that all representations will be duly considered. The Select Committee were aided in their labours by one of the largest

landed proprietors in Southern India—I mean the Mahárájá of Vizianagrum—and if he is satisfied, I think there is ground for hoping that all others will be so.

"I move that the Bill as amended in Committee and the Report of the Select Committee on it be published in the *Fort St. George Gazette* and taken into consideration at some later date."

The Honorable the MAHARAJA of VIZIANAGRUM seconded the motion, which was carried.

BILL TO AMEND MADRAS ACT II OF 1883.

The Hon'ble Mr. J. H. GARSTIN also introduced a Bill to amend Madras Act II of 1883 (*An Act to provide for the conduct of business by the Board of Revenue*) and moved that it be referred to a Select Committee for report with the following remarks:—

"MY LORD,—In 1883, an Act was passed to provide for the conduct of business by the Board of Revenue. Its object was to facilitate the despatch of business in the Board's office by making it legal for the Board to distribute their business among their Members or to reserve certain important subjects on the grounds of public interest for the concurrent judgment of two Members or for the decision of the Collective Board. This power, however, could only be exercised subject to the Board's distribution of its work having received the *previous* sanction of the Government. As soon as that was accorded, the sanctioned distribution was to be published in the *Fort St. George Gazette*. The Act did not specifically repeal any of the provisions of Regulation I of 1803 by which the duties and procedure of the Board of Revenue are defined and by which it is laid down that in the event of any of the Members being prevented by indisposition or other cause from attending the meetings of the Board, two Members should be competent to form a Board. The Regulation also lays down that in no case shall the Members individually exercise any power, unless it may be necessary for the despatch of business to commit the charge of any specific duty to a particular Member. The Act of 1883 practically annulled this last provision of Regulation I of 1803, otherwise it left matters *in statu quo* but hampered the action of the Board by requiring the previous sanction of Government before they could take action under the Act. This condition has long been a cause of delay in the despatch of business in the Board's office, because under the system of distribution sanctioned by Government each Member has had certain subjects detailed for disposal by him alone, a few being kept for disposal jointly by two Members at least, and a few others by the Full Board. The result has been that no Member can legally get any of his work done by any of his colleagues if he is ill or has to go away on tour, nor can one Member engaged on a heavy and important piece of business get either of his colleagues to dispose of his routine business for him. In 1885 the number of Members on the Board was raised from 3 to 4 and the difficulties in the way of quick despatch of business consequently increased. Two at least of the Members of the present Board have ascribed to the above causes much of the delay attendant on the passing of large subjects through the Board's office. Moreover, every reference to Government, whenever there is any change in the personnel of the Board, entails two or three days' delay and sometimes more, during which some of the work of the Board is at a standstill. In order to remove this obstacle to the quick despatch of the Board's business the present Bill has been drafted, and I should have asked your Excellency to suspend the standing orders and have the Bill considered at once and passed into law, but that it has been pointed out to me that the Bill may be improved by making a few alterations

in it which will not necessitate the taking away altogether from the Government the power of sanctioning the distribution by the Board of their work by making the sanction subsequent instead of previous to such distribution, and by further so altering the form in which the distribution is notified that the main objection raised to it will be removed and yet the public will continue to have the assurance which such publication was intended to give them that all important matters in which the public generally are interested will not be disposed of by a single Member. These suggestions appear to me to be sound and I therefore move that the Bill be referred to a Select Committee composed of—

The Hon'ble Mr. Galton,
The Hon'ble Bhashyam Aiyangar, and
The Mover,

with orders to report on it in a fortnight."

The motion was put to the Council and carried.

The Council then adjourned *sine die.*

(By order.)

FORT ST. GEORGE,
14th April 1893.

A. BUTTERWORTH,
Ag. Under Secy. to Govt.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

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Proceedings of a meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 3 P.M. on Tuesday the 14th day of November 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
His Excellency the COMMANDER-IN-CHIEF.
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble Mr. H. W. BLISS, C.I.E.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. H. F. CLOGSTOUN, C.S.I.
The Hon'ble Mr. J. GROSE, M.A.
The Hon'ble Mr. W. P. AUSTIN.
The Hon'ble Colonel J. PENNYCUICK, R.E.
The Hon'ble Mr. A. MONRO, M.A., B.C.L., Barrister-at-Law.
The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.
The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.
The Hon'ble P. RANGAYYA NAYADU Garu.
The Hon'ble A. SABHAPATI MUDALIYAR, Rao Bahadur.
The Hon'ble N. SUBBA RAO, Pantulu Garu, B.A., B.L.
The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.
The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.
The Hon'ble and Rev. W. MILLER, M.A., LL.D., C.I.E.
The Hon'ble C. SANKARAN NAYAR, B.A., B.L.

ENLARGED COUNCIL.

His Excellency the PRESIDENT in opening the proceedings of the Council, said:—

GENTLEMEN,—This is our first meeting of the Legislative Council that is to be held under the new rules. There is a considerable amount of business before the Council. I do not propose to detain you by making any lengthy remarks. I should like, in the first instance, to express to you, on behalf of the Government, the great pleasure they feel in being associated with gentlemen who have been sent up, under the new system, from various parts of the country. I hope I am expressing what will be the case when I say that I believe that this association will be attended with the very best of results. The knowledge and varied experience which the different members that are now assembled here will be able to bring to bear on the consideration of important subjects cannot

but be of assistance and value to the Government. We therefore welcome you as an addition to the Members of the Council with the full belief that all parties will be benefited thereby. Those who have been elected, or I should say selected, for nomination, by various bodies, representing as they do, commerce, learning, and the dwellers in the city and municipalities and the rural parts of this Presidency will, I hope, when they find themselves in this room, no longer consider themselves to be absolutely the delegates of any particular class or portion or section of the community. I sincerely trust that they will devote their energies to the general advancement of all classes of Her Majesty's subjects in this part of the country; and will give to the Government in the consideration of all subjects their experience and knowledge. As regards the constitution of the Council, I have to inform you that we have lost the service of the Hon'ble Mir Humayun Jah Bahadur, as he has been elected by the Non-official Members of this Council to a seat on the Council of the Viceroy. It will therefore be incumbent on me, as soon as I can, to replace him on this Council by some gentleman representing the Muhammadan community. I hope, in a very short time, to be able to announce to the public who that gentleman will be. I hope that his appointment will be specially satisfactory to that community, which, at present, is not represented on the Council. One other point I should like to allude to before you go further; and that is the subject of putting questions to Government. A fairly large number of questions has been submitted; and it has been my duty in some way to amend some of these. I hope those gentlemen who have found their questions slightly altered in their form will feel satisfied that the Government have no intention in any way of shirking or withholding any information desired by them. I simply altered some of the questions, because they assumed an argumentative or hypothetical form. I hope in future that questions put in the Council will be questions merely for information and will not assume an argumentative or hyphothetical form; and the members will see that it will simplify matters much more if they put their questions in a more direct form. Government has no intention or wish in any way to deprive the Hon'ble Members of any information which it is represented that they should have. It merely asks the Hon'ble Members to remember in submitting questions they should confine themselves to the points which they wish to elicit from the Government. I do not think I need detain the Council any more, but would merely repeat the satisfaction that it has given us to meet you here on the first occasion of the assembly of the enlarged Legislative Council.

The UNDER SECRETARY announced that the following gentlemen have taken their seats as Additional Members of Council.

OFFICIALS.

The Hon'ble Mr. J. GROSE, I.C.S., Acting First Member of the Board of Revenue.

The Hon'ble Mr. W. P. AUSTIN, I.C.S., Collector of Sea Customs and of the Madras District.

The Hon'ble Colonel J. PENNYCUICK, R.E., Secretary to Government, Public Works Department.

The Hon'ble Mr. A. MONRO, M.A., B.C.L., Barrister-at-Law, Acting Director of Public Instruction.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur, Inspector-General of Registration.

NON-OFFICIALS.

The Hon'ble Mr. J. A. BOYSON.
The Hon'ble P. RANGAYYA NAYADU Garu.
The Hon'ble A. SABHAPATI MUDALIYAR, Rao Bahadur.
The Hon'ble N. SUBBA RAO, Pantulu Garu, B.A., B.L.
The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.
The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.
The Hon'ble and Rev. W. MILLER, M.A., LL.D., C.I.E.
The Hon'ble C. SANKARAN NAYAR, B.A., B.L.

INTERPELLATION.

His Excellency the PRESIDENT.—I call upon the Hon'ble P. Rangayya Nayadu to ask the questions that stand in his name.

The Hon'ble P. RANGAYYA NAYADU.—In view to the difficulty that is experienced by the Forest officers in distinguishing between cattle intended for agricultural and other purposes, is it the intention of Government to levy a uniform rate for all cattle, and if so, whether the rate is to be that now fixed for agricultural cattle?

The Hon'ble Mr. J. H. GARSTIN.—The Government has not yet passed any orders on the matter which is still under consideration.

The Hon'ble P. RANGAYYA NAYADU.—Is it a fact that orders have been issued by Government to the Forest officers to reserve the village common land set apart by the villagers for the grazing of their cattle?

The Hon'ble Mr. J. H. GARSTIN.—There is no village common land set apart by villagers for the grazing of their cattle. The village grazing lands where they exist are State property. Orders have been issued that all Government waste land which it is desirable to conserve and protect, as sources of fuel or fodder supply or as grazing grounds for cattle, should be legally conserved under the Forest Act. This will probably include areas of the kind alluded to, in order to prevent their alienation; but their reservation will not only not interfere with proved right of grazing, but will record and preserve them.

The Hon'ble P. RANGAYYA NAYADU.—Whether, in the interest of the public as well as the administration, the Government intend to transfer Deputy Collectors from time to time as is done in the case of District Munsifs and Subordinate Judges?

The Hon'ble Mr. H. W. BLISS.—Deputy Collectors frequently are transferred; on the average about once in every three years. The nature of their work is essentially different from that of District Munsifs and Subordinate Judges; and the Government therefore considers that it would not be to the interest either of the public or of the administration to transfer them more frequently than can be helped.

The Hon'ble P. RANGAYYA NAYADU.—Whether any public convenience is secured by the office of the Malayalam Translator to Government being located at Kolar, a town in the Native State of Mysore?

The Hon'ble Mr. H. W. BLISS.—No.

The Hon'ble P. RANGAYYA NAYADU.—Whether the Government obtained the opinion of its legal advisers with regard to the Marina Notification published in the *Fort St. George Gazette* of the 24th ultimo, and whether the Government thinks that

the terms of the said Notification are sufficiently definite not to give excessive discretion to the Police?

The Hon'ble Mr. H. W. Bliss.—The answer to the first part of the question is "No"; and to the second part of the question "Yes."

His Excellency the President.—I call upon the Hon'ble N. Subba Rao to ask the questions that stand in his name.

The Hon'ble N. Subba Rao.—As it is only open to Members of Council to interrogate the Government on questions of public interest at meetings of the Legislative Council at which some formal legislative business is taken, will your Excellency's Government be pleased to arrange for a larger number of meetings of the Legislative Council than hitherto, so as to afford members greater facilities for asking such questions?

His Excellency the President.—The Government cannot undertake to introduce legislation for the sole purpose of giving Hon'ble Members an opportunity of putting questions to the Government. But consistently with business principles, the Government will endeavour to give Hon'ble Members as many facilities as possible. From the number of bills now before the Council, I think Hon'ble Members will have no reason to apprehend any lack of opportunities in the immediate future.

The Hon'ble N. Subba Rao.—Will the Government arrange to return to Madras from the Hills earlier than has been the custom—some time in August at the latest—in order that more meetings of the Legislative Council may be held in Madras?

His Excellency the President.—The Government cannot pledge themselves to return to Madras from the Hills at any specified time; but if any urgent necessity should arise for holding a Legislative Council in Madras earlier than usual, I have no doubt the Government will not hesitate to return to Madras.

The Hon'ble N. Subba Rao.—Whether, considering that some of the Non-official Members of the Council reside in the mofussil and that some of the Official Members also may have to leave Madras in the course of their official duties, your Excellency will be pleased to direct that the meetings of the Legislative Council be held at fixed times in the same manner as the Government has suggested to the Local Fund Boards and Municipal bodies under Acts IV and V of 1884?

His Excellency the President.—This suggestion is one which the Government consider a very useful one, and it will be happy to try and carry it into effect after communication with Hon'ble Members. I may add, however, that there is no analogy between the business transacted by the Legislative Council and that of Municipal and Local Boards.

The Hon'ble N. Subba Rao.—Is it the fact that the officials entrusted with the distribution of water in deltaic tracts are entrusted with the responsible duty of supplying water in the proper season to an area varying from 10 to 50 thousand acres and that these officials receive salaries of from 40 to 70 rupees without travelling allowances, and that under the present system there are no regular rules published regarding any methodical distribution of water so as to enable the ryots to understand their own rights and privileges?

Will your Excellency's Government be pleased to direct an enquiry into this subject?

The Hon'ble Colonel J. PENNYCUICK.—The facts are as stated in the question except that there are regular rules for the distribution of water, and that it is not believed that the ryots have any difficulty in understanding their own rights and privileges in the matter or any hesitation in bringing their requirements before the officers of the Public Works and Revenue Departments. The evils arising from the employment of an inferior class of men in the distribution of water in the deltas have already attracted the attention of the officers of the department and proposal for the removal of the evils will shortly be laid before Government.

As the subject is already under consideration and as the Hon'ble Member is himself furnishing a memorandum on the subject to Government, it does not appear necessary to institute any special enquiry.

The Hon'ble N. SUBBA RAO.—Whether the attention of the Government has been drawn to the notifications issued by the District Magistrates of Kistna and Nellore, dated 10th and 16th October 1893, respectively, in connection with the recent celebration of the Dasara festival in the towns of Masulipatam and Nellore?

Whether the Government will be pleased to state the circumstances under which they were issued and the necessity for issuing them?

And whether the Government approves of the said notifications?

The Hon'ble Mr. H. W. BLISS.—The answer to the first part of the question is "Yes"; secondly the notifications in question were issued because the District Magistrates were of opinion that the manner in which it was proposed to celebrate the Dasara festival was calculated to cause just dissatisfaction to the Muhammadan inhabitants of the towns in question, and there was consequently danger of disturbances which it was necessary to provide against; thirdly, the Government approves of the issue of the notification in question in the case of Nellore. With regard to the notification issued by the Kistna District Magistrate, the Government understands that it was withdrawn by him on the 14th October. The matter is still under consideration.

The Hon'ble N. SUBBA RAO.—Whether, in view of the strained condition of feeling that has of late been manifesting itself between Hindus and Muhammadans on the occasions of Dasara, Moharrum, &c., the Government does not think it desirable to appoint a committee of representative gentlemen to enquire into the matter and advise the Government on the best way of preventing all such temporary excitement of feeling arising between the two communities?

His Excellency the PRESIDENT.—I am happy to say that the Government considers that the state of feeling between the two classes mentioned is so far satisfactory in this Presidency that it is not necessary to appoint a committee as suggested.

The Hon'ble Member, with His Excellency's permission, withdrew the following questions of which he had given notice:—

Is it the fact that lists of jurors and assessors prepared under section 321 of Act X of 1882 are incomplete owing to the exclusion of many of the most suitable men available in the district?

Whether at present there are any rules framed under section 553 of Act X of 1882 specifying any property or educational qualifications for the selection of jurors and assessors? If not, whether the Government will be pleased to request the High Court to frame rules for the selection of proper persons to serve as jurors and assessors?

His Excellency the PRESIDENT.—The Hon'ble R. Ramasubba Aiyar will now put his questions.

The Hon'ble R. RAMASUBBAIYAR.—Is it a fact that, in the case of Native convicts, they are put on "Ragi diet" as soon as they are admitted to jail, although until they were so admitted to jail, they were in the habit of living only on rice and not on ragi? And is it only in the case of Native convicts sentenced to twelve months' rigorous imprisonment and upwards they are allowed rice two days in a week?

If it is a fact, does the Government of Madras mean to continue this practice, or is it going to view it with disfavour and take steps to discontinue it and give rice instead in all cases in which the Magistrate who commits the convicts to jail finds that they have been in the habit of living only on rice until they were so committed to jail?

At all events, would the Government of Madras be pleased to direct that Native convicts unaccustomed to ragi diet be put on it gradually, so as to make it possible for them to acquire the habit of living on such diet?

The Hon'ble Mr. H. W. BLISS.—Full information as to jail diets will be found in Jail Code, which the Secretary will be happy to show to the Hon'ble Member if he will apply to him. The whole question of the dietary in jails had recently been gone into with great care and the diet scales revised; and the Government does not propose to make any alterations therein. If the *ragi* diet is found to disagree with convicts, the Medical officer has full authority to order a rice diet, for such period and to such extent, as he thinks necessary.

The Hon'ble R. RAMASUBBAIYAR.—With reference to the question of the supply of provisions to Government officers on tour, has the Government of Madras considered "whether the present arrangements sufficiently provide for the avoidance of hardship to the furnishers of supplies, and, if not, in what way they should be supplemented"?

In the present altered condition and circumstances of the country, is the intervention or interference of an officer of the position of a Tahsildar in any degree necessary or desirable in the matter of supplying provisions to local and other officers while at their head-quarters or on tour?

Whether, in this connection, the Government would be pleased to take into their consideration the expediency of granting Tahsildars some travelling allowance, more especially as their absence from head-quarters for twenty days in a month is enforced under the present rules?

The Hon'ble Mr. J. H. GARSTIN.—The answer to the first question is that the matter was fully considered by the Government in May last, and they are of opinion that the instructions issued by the Board of Revenue in 1887 and the directions contained in Board's Standing Orders Nos. 205 and 209 are sufficient to prevent any abuse.

The answer to the second question is that there is no need for the interference or intervention of the Tahsildars when at the head-quarters; but where local or other officers are going on tour into a taluk it is often necessary for the Tahsildar to advise the monigar of the villages which the officers are likely to visit of their coming, in order that the monigar may make arrangements for supplying provisions on payment in cases where such supplies cannot be purchased from bazaars; otherwise the officers would often not be able to get food; the finding of supply for officers on tours, for travellers and for troops on the march is one of the duties of the village officers.

The answer to the third question is that the question of granting travelling allowance to Tahsildars has recently been before Government who are disposed to regard it favorably; but in view of financial considerations, it has been ordered to lie over for the present.

The Hon'ble R. RAMASUBBAIYAR.—Whether the Government of Madras has in view any proposal to increase the strength and emoluments of the clerks and accountants attached to the Taluk Cutcherry, having regard to the multifarious character of additional work which has devolved on the Tahsildar's office since the last reorganization of the Taluk establishment?

The Hon'ble Mr. J. H. GARSTIN.—The scheme for the revision of Revenue establishments submitted by me to Government in 1885 contained a number of proposals, the most important of which were (1) the appointment of Stationary Sub-Magistrates to relieve Tahsildars of their magisterial duties, (2) the raising of the pay of the Revenue Inspectors, (3) the increasing of the establishments in Taluk offices, raising their pay and improving their prospects. The Secretary of State was unable to sanction the scheme in its entirety on account of the expense involved; but the two first-named portions have been carried into effect and the Government hope that before long it may be possible to carry out the last. They are fully aware how heavy the work is on Taluk officers and nothing would give them greater pleasure than to help to improve the position and prospects of the establishments and to strengthen them. It is entirely a question of expense and will be duly considered when funds are available.

The Hon'ble R. RAMASUBBAIYAR.—Is it the view of Government that District officers have taken a maximum amount of interest in District Municipalities which may be fairly expected of them consistently with the Madras District Municipalities Act IV of 1884, or that better results in the working of Municipalities may be brought about by the District officers being requested to take greater interest in them than they have felt it their duty since the said Act came into operation?

The Hon'ble Mr. H. W. BLISS.—The reply to the first part of this question is in the affirmative; as to the second part better results might no doubt be brought about by increased interference on the part of District officers, but it would be contrary to the principles of Local Self Government.

The Hon'ble R. RAMASUBBAIYAR.—Whether the Government of Madras thinks it any longer necessary to maintain in the Municipality of Negapatam the existing proportion of elected and nominated councillors, that is, half and half, whilst in all the other Municipalities in the district of Tanjore the proportion of elected to nominated councillors is greater, viz., three to one?

The Hon'ble Mr. H. W. BLISS.—No representation on the subject has reached Government since the existing proportion was fixed in 1886. Should one be made it will receive favorable consideration.

His Excellency the PRESIDENT.—I should like to point out that the Hon'ble Members are not required to stand if they prefer to put their questions sitting. I now call upon the Hon'ble Kalyanasundaram Aiyar to ask the questions that stand in his name.

The Hon'ble K. KALYANASUNDARAM AIYAR.—Whether the Government will be pleased to state if a Bill to amend the Religious Endowments Act (XX of 1863) is likely to be introduced into the Legislative Council during this Session?

His Excellency the PRESIDENT.—The Government hope to send up the draft Bill on this subject to the Government of India in a few days. It is not possible to say if that Government will return it to us in time to introduce it into this Council during this Session.

The Hon'ble K. KALYANASUNDARAM AIYAR.—Whether the Government will be pleased to pass orders directing that the appointments of Honorary Magistrates shall be in force for only 3 years?

The Hon'ble Mr. H. W. BLISS.—The Government does not consider the issue of any such orders desirable, even if legal.

The Hon'ble K. KALYANASUNDARAM AIYAR.—Whether the Government will be pleased to associate with each Settlement officer a covenanted or an uncovenanted Revenue officer of experience for the hearing and disposal of appeals in individual cases in connection with the revenue settlement now in progress in the Tanjore district?

The Hon'ble Mr. J. H. GARSTIN.—The Government does not consider that there is any necessity for an arrangement such as that proposed in the question. The Deputy and Assistant Commissioners are always gazetted as Special Assistants to the Collector of the district when settlement is proceeding, and the Collector has therefore the general power of control over such officers. Moreover an appeal lies in all cases to the Board of Revenue. The present system has worked well in other districts and the Government sees no reason to make any special arrangement in the case of Tanjore. In this connection the Government desire to express their deep regret at the death of Diwan Bahadur J. Lakshmikantha Rao Pantulu, an officer of great experience and integrity and intimately connected with the settlement of Tanjore.

The Hon'ble K. KALYANASUNDARAM AIYAR.—With reference to G.O., dated 7th September 1893, No. 1960 L., recording report on Sri Tiagarayaswami Kovil Kumbhabishekam festival at Tiruválúr, Negapatam taluk, Tanjore district, whether the attention of Government has been drawn to a communication published at page 5 of the *Hindu* newspaper of the 10th July 1893 and another communication published at page 4 of the same newspaper in its issue of the 21st October 1893, and whether, in view of the absence of all reference to a fire accident in the report of the President of the Taluk Board, the Government will be pleased to call for a full report on the circumstances mentioned in the communications above referred to, and place the same, with any orders that the Government may pass thereon, at the disposal of the press?

The Hon'ble Mr. H. W. BLISS.—The attention of Government has been drawn to the statements on the subject in the *Hindu* newspaper. A report on the subject from the District Magistrate of Tanjore was received in July and disposed of in August last and will be shown to the Hon'ble Member if he will apply to the Secretary. No further report seems needed.

The Hon'ble K. KALYANASUNDARAM AIYAR.—Whether the Municipal Council of the town of Tanjore, in the Tanjore district, was deprived of the power of electing its Chairman seven years ago on the *sole* ground of the absence of the quorum required by the then existing rules at the meetings held for filling up a vacancy in the office of Chairman? Whether the Council has, by a nearly unanimous vote, been demanding repeatedly the restoration of the privilege? and whether the Government has refused to comply with its demand?

The Hon'ble Mr. H. W. BLISS.—The Tanjore Municipality was deprived of its elective privileges in consequence of continued neglect, notwithstanding distinct

warnings from the Collector, to hold the meeting with a quorum sufficient to allow of the election of a Chairman. The Government has from time to time received applications for the restoration of the privilege, which have in each instance been carefully considered and rejected.

ACTS ASSENTED TO BY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT.—I have to announce the assent of His Excellency the Governor-General to the following Acts:—

No. III of 1893.—An Act to provide for the inspection and management of Steam-boilers and Prime-movers in the Presidency of Madras.

No. IV of 1893.—An Act for the levy of a cess towards the remuneration of village officers and for other purposes connected with the discharge of their duties.

No. V of 1893.—An Act for facilitating enquiries into matters connected with the administration of the Revenue and into the conduct of Public Servants.

The UNDER SECRETARY.—The letter from the Government of India, Legislative Department, making certain observations with reference to the enactment No. V of 1893 has been communicated to all the Members of the Council. Therefore with your Excellency's permission I would suggest that this be taken as read.

This was agreed to by the Council.

RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS OF THE MADRAS LEGISLATIVE COUNCIL.

The Hon'ble Mr. J. H. GARSTIN, in moving that revised rules for the conduct of business at meetings of the Madras Legislative Council be substituted for those at present in force, said:—

MY LORD,—Government has considered it advisable to take advantage of the occasion of the re-constitution of this Hon'ble Council to revise the rules of procedure for the conduct of business. The rules have been accordingly re-drafted and printed copies circulated to all the Members of the Council. I now propose that they be taken into consideration.

The Hon'ble Mr. H. W. Bliss seconded the proposition.

The Hon'ble N. SUBBA RAO.—I may say in this connection that the rules have been received by me only this morning about two hours ago. It is not the fault of Government. The copy was posted to Rajahmundry, and by the time I came here it went to Rajahmundry. So far as I am concerned, I have not had an opportunity of reading those rules; and I, therefore, propose with your Excellency's permission that this matter be deferred till the next meeting or at any rate for a few days until the members can go through the rules.

The Hon'ble Mr. J. H. GARSTIN.—I should be disposed to accept the Hon'ble Member's suggestion, but the alterations in the rules are so small that I do not think it is worth while deferring their consideration. The reading of the rules or their being merely noted as we take them in order, with a few remarks from me, will suffice to show all the Hon'ble Members what alterations have been made. They are very small and trivial and mere matters of procedure connected with the business of

the Council. I trust the majority of the members have had the rules for sufficient time to criticise them if they have any criticisms to offer; I am, therefore, unable to accept the Hon'ble Member's amendment.

His Excellency the PRESIDENT.—I must say that it appears to me that it would be an unfortunate waste of time if the consideration of the rules should be put off. As the Hon'ble Member points out, these rules are not so very important; and if, at any future time, it occurs to any Hon'ble Member that any of these rules should be altered, it is open to him to bring in a resolution to alter the rules that he objects to. Does any member second the amendment?

The Hon'ble A. SABHAPATI MUDALIAR seconded the amendment.

On the amendment being put to the vote, there were—

For	3
Against	18
Majority against ...	15

It was therefore declared to have been lost.

The original motion "that these rules be taken into consideration" was then put to the vote and carried.

The Hon'ble Mr. J. H. GARSTIN.—The first part, namely, the preamble, may be deferred to the end.

This suggestion was agreed to by the Council.

The rules Nos. 1 and 2 were put and carried.

Rule No. 3 on which some discussion occurred runs as follows:—

"When the business before a meeting is concluded, the PRESIDENT shall adjourn the meeting. The Council may also at any time adjourn a meeting upon motion made and carried."

The Hon'ble Mr. J. H. GARSTIN.—I may mention, in this connection, that there is a slight modification here of the original rule. According to the original rule, the PRESIDENT may adjourn, without any discussion or vote, any meeting or business, whether there may be a quorum present or not, to any future day or to any part of the same day. According to the new rule the power of adjourning a meeting is vested in the Council, except in the case when the business before the Council is concluded.

The Hon'ble and Rev. Dr. MILLER.—May I ask why such a modification is made. It seems to me that the PRESIDENT should have the power of adjourning the meeting. I do not see why a formal putting of the motion to the Council should be necessary.

The Hon'ble Mr. J. H. GARSTIN.—I have not the slightest objection to allow the old rule to stand as it is if the Hon'ble Member would bring forward a proposition to that effect. It was considered, in view of the largeness of the Council, that it would be a proper thing that the powers formerly vested in the PRESIDENT should be vested in the Council as to whether an adjournment should take place or not.

The Hon'ble and Rev. Dr. MILLER.—I beg to move, My Lord, that the old rule stands as it is. I think the Council should have confidence enough in the PRESIDENT to allow him to manage the affairs of the Council. I am quite sure that the PRESIDENT, whoever he may be, will always be guided by the general feeling in the Council.

I think it is much simpler to leave the question of adjournment in the hands of the PRESIDENT.

The Hon'ble Mr. W. P. AUSTIN seconded the amendment.

The Hon'ble K. KALYANASUNDARAM AIYAR.—I beg to move that the portion of the old rule which gives power to the PRESIDENT to adjourn a meeting may be added to this new rule. The effect of this will be that the Council will also be empowered to adjourn the meeting if it sees fit. My amendment will vest the power both in the PRESIDENT and the Council.

His Excellency the PRESIDENT.—There may be conflict of opinions.

The Hon'ble Mr. J. H. GARSTIN.—There is a difference between the old and the new rule. The old rule gives the PRESIDENT permissive power, viz., "may adjourn;" but the new rule makes it obligatory on him, viz., "shall adjourn."

The Hon'ble K. KALYANASUNDARAM AIYAR.—That refers only to the case when the business before the meeting is concluded.

The Hon'ble V. BHASHYAM AIYANGAR.—When the business before a meeting is concluded, there is no necessity for an adjournment. There may be a fresh meeting which the PRESIDENT may convene. It is only when the business before a meeting is not concluded, the meeting is necessarily adjourned for the purpose of getting through the remaining portion of the business. But the first part of the rule says, "when the business before a meeting is concluded, the PRESIDENT shall adjourn the meeting.". I do not quite understand what case that is intended to meet. Suppose the whole business on the agenda paper is concluded, then the meeting has discharged the duties for which it was convened. A fresh meeting will, no doubt, be convened afterwards and other business may be transacted afterwards.

The Hon'ble Mr. J. H. GARSTIN.—If in the place of the word "adjourned" in the first part of the new rule the word "dissolved" be substituted, then it might meet the view of the Hon'ble Member. But I still think it will not meet the view of the Hon'ble Dr. Miller.

The Hon'ble V. BHASHYAM AIYANGAR.—When the business is concluded the PRESIDENT shall dissolve the meeting. If the second part of the rule is altered as follows, "either the PRESIDENT or the Council may at any time adjourn a meeting," it will meet both things. In the case of the PRESIDENT no motion is necessary; he may adjourn the meeting at any time. The Council may also at any time adjourn a meeting if a motion is made and carried. So far as Dr. Miller's suggestion is concerned, the PRESIDENT alone will have the power of adjourning a meeting; but I think it is also desirable that a member should have the right to propose the adjournment of a meeting and the Council should vote upon that motion. I also think that the President alone individually should have the power, without any motion before the Council, to adjourn a meeting.

The Hon'ble Mr. J. H. GARSTIN.—I understand the Hon'ble Mr. Bhashyam Aiyangar would like to have the old rule incorporated into the new. I have no objection to do so. Does this meet Dr. Miller's views?

The Hon'ble and Rev. Dr. MILLER.—I have no objection. It is much better that the power should be in the hands of the PRESIDENT; but I have no objection to the Council also having the power.

His Excellency the PRESIDENT.—Do you then withdraw your amendment?

The Hon'ble and Rev. Dr. MILLER.—Yes.

The Hon'ble V. BHASHYAM AIYANGAR.—I propose that the rule shall stand thus—

"When the business before a meeting is concluded, the President shall dissolve the meeting. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day or to any part of the same day.

"The Council may also at any time adjourn a meeting upon motion made and carried."

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR seconded this amendment.

The Hon'ble Mr. H. W. BLISS proposed to insert the word "so" before the word "adjourn"; but after a short discussion he agreed to withdraw his amendment.

Rule 3 as amended by the Hon'ble BHASHYAM AIYANGAR was put to the Council and carried.

Rule 4, which stands as follows, was then discussed:—

"If, at the time appointed for holding a meeting or at any time after the commencement of business at a meeting, the quorum required by section 34 of the Indian Councils Act, 1861, is not present, the Council shall immediately adjourn and the fact shall be noted by the Secretary in the journal of the Council."

The Hon'ble and Rev. Dr. MILLER.—In this rule I just propose to insert what the quorum is. The quorum is not stated here and this will be printed hereafter without what is contained in the opposite column. It should state what the quorum required is under section 34 of the Indian Councils Act. I propose to insert what the quorum is. I suppose it is the same as it is in the opposite column, namely, five members.

The Hon'ble N. SUBBA RAO seconded the amendment.

The amendment was put to the Council and carried.

Rule 5, which runs as follows, was next discussed:—

"Every member resident in Madras shall be furnished by the Secretary, at least three clear days before the date fixed for a meeting, with a printed statement of the business to be transacted at that meeting."

The Hon'ble P. RANGAYYA NAYADU.—I propose that the words "resident in Madras" be omitted and that "seven" be substituted for "three." It is rather hard that the members in the mofussil should receive the notice only three days before the meeting.

The Hon'ble V. BHASHYAM AIYANGAR.—As the rule stands, the Secretary is not bound to send the papers to those that are in the mofussil.

The Hon'ble Mr. H. W. BLISS.—A member might be in Ganjám, in which case you would have to post the papers ten days before the meeting. I think the members should arrange some place in Madras to which communications can be sent.

The Hon'ble V. BHASHYAM AIYANGAR.—The spirit of the rule seems to be that the members ought to be in Madras. So far as the meeting is concerned, a fortnight's notice is given.

His Excellency the PRESIDENT.—If you give such a long notice you cannot get the business done. Notice of questions is given only six days before the meeting and then how can we send the questions to a member residing in Ganjám? As far as I can see, it is only possible to send a notice, as to what the business is going to be, to some place in Madras where the member is supposed to stay.

The Hon'ble Mr. J. H. GARSTIN.—That is the point. The rule is based on the assumption that the members come down to Madras for the Session and stay there. We cannot give 10 or 12 days' notice to every member as to the business that is to be transacted at a meeting.

The Hon'ble V. BHASHYAM AIYANGAR.—There is one objection to it. Further on, you will find that notice of an amendment need not be given for more than 5 days before the meeting.

The Hon'ble Mr. H. W. BLISS.—Is there any difficulty for any member to have a residence in Madras to which notices can be sent. If there is no practical difficulty, that will solve the question.

His Excellency the PRESIDENT.—It is perfectly impossible, as matters stand, to circulate the questions earlier than three days before the meeting.

The Hon'ble N. SUBBA RAO.—With your Excellency's permission, I would submit that while notice is sent to the members in Madras, I do not see why it should not be sent to the mofussil members. I understand the difficulty of furnishing each mofussil member with a printed statement of the whole business to be transacted at a meeting; but I would say "as far as possible." Of course, they are at a distance and as far as possible you can give them a printed statement of the business to be transacted a week before the meeting. No doubt there are difficulties, but as far as possible that arrangement should be made. If a statement of the whole business can be given a week before the meeting, it is all the better.

His Excellency the PRESIDENT.—But the notice of questions does not come in until 6 days before the meeting.

The Hon'ble N. SUBBA RAO.—They need not get such notices.

His Excellency the PRESIDENT.—If they have a registered place in Madras, they will be sure to get it.

The Hon'ble N. SUBBA RAO.—What I say is that you are not bound to give us a statement of the whole business, but you can do it, as far as possible, a week before the meeting.

The Hon'ble P. RANGAYYA NAYADU.—That is the business that is on paper up to that date.

His Excellency the PRESIDENT.—Then the important business as to questions and amendments will not be in the hands of the Hon'ble Members.

The Hon'ble N. SUBBA RAO.—With Your Excellency's permission, I beg to submit that in regard to questions it is only the member who puts them has a right to know what the answers are. With regard to other members the questions are circulated to them for their information. As regards amendments, if they are available by the date by which the notice paper is sent out, it is all right; if not, the members must make special arrangements to get access at them. It is, therefore, I say, without inconveniencing the business of the Council, the words "as far as possible" should be introduced.

The Hon'ble Mr. J. H. Garstin.—Would it meet the objection of the Hon'ble Member, if the rule is so altered, that notice of printed statement of business to be transacted at a meeting shall be posted to the Madras address of every member three days before the meeting. If that is posted to any address given in Madras you are bound to get it.

His Excellency the President.—In that case, you will get it in Madras.

The Hon'ble N. Subba Rao.—But we shall not get it in the mofussil.

The Hon'ble Mr. J. H. Garstin.—Is it reasonable or not to expect that every member of the Council shall be in Madras three days before the meeting?

The Hon'ble V. Bhashyam Aiyangar.—Notice of the meeting is sent long before the meeting; and it is not unreasonable to expect that the members will arrive in Madras three days before the day fixed for meeting.

The Hon'ble P. Rangayya Nayadu.—Not necessarily. If they have cases, they may leave their stations two days before the meeting.

The Hon'ble V. Bhashyam Aiyangar.—Or else the papers may be retained at their residence here.

The Hon'ble N. Subba Rao.—With your Excellency's permission, I would say that I do not understand the difficulty of giving each member a week before the meeting the statement of business as far as practicable.

The Hon'ble Mr. J. H. Garstin.—Because that leaves out the greater part of the business. At 12 o'clock last night I received for the first time two very lengthy statements of amendments to the Bill in which I am interested. One of the Hon'ble Members has not received them yet.

The Hon'ble N. Subba Rao.—That means that supplemental notices should be issued. One notice might be given a week before the meeting, and a fresh notice might be given afterwards. As it is, supplemental notices are now issued.

His Excellency the President.—Those amendments were sent in last night; but according to the suggestion of the Hon'ble Member, they will have to be posted to Rajahmundry. You must have a residence in Madras.

The Hon'ble N. Subba Rao.—That may be arranged.

His Excellency the President.—The object of the arrangement is that every member should get the latest information and should not be kept in the dark as to the business to be transacted. If you have a residence in Madras, you are sure to come here two or three days before the meeting and you will be certain to get the papers.

The Hon'ble Mr. J. H. Garstin.—I have not the slightest objection to leave out the words "resident in Madras" if you substitute something that will enable the Secretary to send the papers three days before the meeting to any address. If you want it at Rajahmundry, we will send it.

The Hon'ble Mr. H. W. Bliss.—If you simply say that three clear days before a meeting a printed statement shall be sent by the Secretary to every member, that will meet the case. If a member does not get it, it is his own responsibility.

The Hon'ble Mr. J. H. Garstin.—If you give an address in Madras to which papers can be sent, it will enable us to give all the members the fullest information up to the latest possible date. If it is possible to give all the information by telegraph, we can do it. But as it is, it is quite impossible. I am quite willing to leave out

[illegible] Resident in Madras" for [illegible] f some word which will [illegible]able [illegible]retary to send the papers to some addres[illegible] in Mad[illegible]"

The Hon'ble and Rev. Dr. MILLER.—My Lord, I will put the same in th[illegible], [illegible]at notice of a business to be transacted at a meeting shall be sent to the Madras address of every Member of the Council at least three days before the meeting." That takes it for granted that every member has a Madras address.

His Excellency the PRESIDENT.—If he does not keep one, then what are we to do?

The Hon'ble and Rev. Dr. MILLER.—That is his own fault.

His Excellency the PRESIDENT.—If we give three clear days' notice it means five days. If Sunday intervenes, it means six days.

The Hon'ble Mr. J. H. SPRING BRANSON.—The rule may be worded thus—

"At least three clear days before the date fixed for the meeting, the Secretary shall send to the Madras address of every member a printed statement of the business to be transacted at that meeting."

The rule 5, altered as above, was put to the Council and carried.

Rules Nos. 6, 7, 8, 9 and 10 were also agreed to.

Rule 11, which runs as follows, was next discussed:—

"In discussing questions before the Council, members shall address the President, but they are not required to rise from their seats."

The Hon'ble and Rev. Dr. MILLER.—I am inclined to think that it will be better, considering the size the Council has now grown to, that members should rise from their seats, and that we should follow the rule which we have in the parallel column, viz., the Bengal rule, which runs as follows:—

"In discussing questions coming before the Council for consideration, a member shall speak from his place, shall rise when he speaks, and shall address the President.

"At any time, if the President rises, any Member speaking shall immediately resume his seat."

I do think, considering the size of the Council, it is desirable that men should stand up in addressing the Council. It is one of those things that have a good deal to be said on both sides. No doubt that would not be absolutely necessary with 25 men as it would be with 55, and it seems to me that standing is a better posture and attitude, especially at a long table like this where the distance is so great from one end to the other.

His Excellency the PRESIDENT.—It is the ordinary practice of the Council that we are now following.

The Hon'ble and Rev. Dr. MILLER.—That is when the Council was small.

His Excellency the PRESIDENT.—We were following the old practice. However the question is one for the Hon'ble Members to decide; and it is immaterial to me what posture the Hon'ble Members may assume, in addressing the Council.

The Hon'ble and Rev. Dr. MILLER.—I think that a man can be better heard, if he stands up.

The Hon'ble N. SUBBA RAO.—It will be better if a man speaks standing.

The Hon'ble V. Bhashyam Aiyangar.—From experience, if we find it ne[illegible], may do it.

The Hon'ble and Rev. Dr. Miller.—I beg to propose "that Bengal rule [illegible] be substituted for the proposed rule."

The Hon'ble N. Subba Rao seconded the proposal.

On the amendment being put to the vote, there were—

For	12
Against	8
Majority for ..	4

It was therefore declared to have been carried.

Rule 12, which runs as follows, was next discussed :—

"Members may read their speeches and may also read, as part thereof, passages from books or papers bearing upon the question under discussion."

The Hon'ble and Rev. Dr. Miller.—My Lord, I beg to move a similar amendment to this rule, viz.: that Bengal rule 10 be substituted for the proposed rule. The Bengal rule says that members shall not be allowed to read speeches. I think there is a great tendency to prolixity and that it is highly desirable that the reading of speeches should not become the rule in this Council.

The Hon'ble N. Subba Rao seconded this amendment.

On the amendment being put to the vote, there were 10 votes for and 10 against it. On His Excellency the President giving his casting vote against the amendment, it was declared to have been lost.

Rules Nos. 13, 14, 15, 16, 17, 18, 19 and 20 were next put to the Council and carried.

The Hon'ble Mr. J. H. Garstin.—I propose an amendment as regards rule 21, which runs as follows :—

"Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting or must send such notice in writing to the Secretary at least five days before the day fixed for the meeting at which they intend to make the motion. Provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given."

I find that five days' notice is not enough for the Secretary to circulate the papers. I therefore propose that instead of five, "six clear days'" notice must be given.

The Hon'ble V. Bhashyam Aiyangar.—Why is provision made for giving notice at the next preceding meeting?

The Hon'ble Mr. H. W. Bliss.—There is no reason why members should not give such notice, if they like.

The amendment was put to the Council and carried.

Rules Nos. 22, 23, 24, 25 and 26 were next agreed to.

Rule 27 runs as follows :—

"Any member may move at a meeting of the Council for leave to introduce a Bill in accordance with section 38 of the Indian Councils Act, 1861, and, where

necessary, with section 5 of the Indian Councils Act, 1892; provided that at least five days' previous notice of the title and subject of the Bill has been given to the Secretary."

The Hon'ble Mr. J. H. Garstin.—I propose a similar amendment in this rule, viz.: that instead of "five days' previous notice" be substituted "six clear days' previous notice."

The rule as amended was put to the Council and agreed to.

Rule 28 was next put to the Council and carried.

Rule 29 runs as follows:—

"After introducing a Bill, the member in charge of it shall move that the Bill be read in Council. The principle of the Bill and its general provisions may then be discussed and, if the motion be carried, the Secretary shall read the title of the Bill. The Council shall then consider the question of referring the Bill to a Select Committee and, if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that its report shall be submitted within a specified period."

The Hon'ble Mr. H. W. Bliss.—With regard to this rule is it contemplated that a motion to read a Bill in the Council should be made at the same meeting at which the leave to introduce the Bill is given; or is it intended that it should be made after the Bill is printed and circulated?

The Hon'ble V. Bhashyam Aiyangar.—Subsequent rules make it clear. After obtaining leave to introduce a Bill, the mover is required to send it to the Secretary with a full statement of objects and reasons.

His Excellency the President.—According to rule 27, if a member is given leave to introduce a Bill, he has got to send in the Bill with a statement of reasons and objects, which must be printed and circulated. Then it must be considered at another meeting.

The Hon'ble Mr. H. W. Bliss.—The difficulty is: as a general rule the Bill should be first introduced, should then be printed and circulated, and should be read for the first time after it is printed and circulated, so that the provision of this rule might be easily carried out. The rule says here "the principle of the Bill and its general provision may then be discussed;" but you would not have the Bill before you; while on the other hand, if you make it a binding rule that the discussion on a Bill shall always take place at a subsequent meeting it will be all right.

The Hon'ble V. Bhashyam Aiyangar.—Under rule 28, the Bill is previously circulated.

The Hon'ble Mr. H. W. Bliss.—But suppose the circumstances are such that it is necessary to pass the Bill through the Council at one sitting.

His Excellency the President.—You cannot do that. You must act according to rule 28.

The Hon'ble Mr. H. W. Bliss.—Is there any general provision to the effect that any or all of these rules may be suspended?

The Hon'ble Mr. J. H. Garstin.—Yes. After the Bill is introduced, it is decided whether the Bill is to be read at once or not.

The Hon'ble Mr. H. W. Bliss.—The first business to do is to circulate it.

His Excellency the PRESIDENT.—The first business is to get leave to introduce the Bill under rules 27 and 28.

The Hon'ble Mr. J. H. SPRING-BRANSON.—If the provisions of rule 28 are complied with, then the Bill is read.

His Excellency the PRESIDENT.—After leave to introduce a Bill is obtained, a certain time must elapse before the Bill is read.

The Hon'ble Mr. H. W. BLISS.—I venture to think, My Lord, that it would be necessary to consider that for progress in this Council, there should be some provision for making it possible, for the Bills to be taken into consideration as far as practicable on the same day. That is done in every Legislative Council and is constantly done in the House of Commons and the House of Lords.

The Hon'ble Mr. J. H. GARSTIN.—So it can be done here.

The Hon'ble Mr. H. W. BLISS.—There ought to be some provision for it.

The Hon'ble Mr. J. H. GARSTIN.—The new rules provide that Bills shall not be read until they are in the hands of the members.

The Hon'ble Mr. H. W. BLISS.—I say the Bill must be introduced before it is circulated.

His Excellency the PRESIDENT.—If the Hon'ble Member would refer to rule 32, he will find that will cover the case.

The Hon'ble V. BHASHYAM AIYANGAR.—In emergent cases, with the leave of the Council, the Bills may be read at once.

The Hon'ble Mr. H. W. BLISS.—That rule might be sufficient in this Council, but that will not be sufficient in the Viceroy's Council.

The Hon'ble Mr. J. H. GARSTIN.—If you like we may substitute the word "when" for "after."

The Hon'ble Mr. H. W. BLISS.—I think that will be better.

The Hon'ble Mr. J. H. GARSTIN.—With the permission of the Council, rules 27, 28 and 29 may be suspended. When the Bill is long, it is necessary to circulate it among the members to discuss it. I propose that the word "when" be substituted for "after."

The amendment was put to the Council and carried. The rule as amended was then put to the Council and agreed to.

Rules Nos. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 were next put to the Council and carried.

Rule 45, which runs as follows, was next discussed :—

"When a Bill has been referred to a Select Committee under rule 29, it shall not be taken into consideration by the Council until the report of the Select Committee has been furnished to each of the Members of the Council at least ten days beforehand Subject to this condition, the member in charge of a Bill, when presenting the report of the Select Committee to the Council, may move either that the Bill and report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting."

The Hon'ble Mr. J. H. GARSTIN.—I propose to insert in this rule "seven clear days" instead of "ten days" and to insert "sent to the Madras address of" instead of "furnished to."

His Excellency the PRESIDENT.—When this rule was originally framed, seven days' notice was proposed, but now ten days are put in, in order that letters may reach the members.

The Hon'ble K. KALYANASUNDARAM AIYAR.—If the thing is to be sent ten days before the meeting, I do not see why it should not be sent to the mofussil address.

The Hon'ble V. BHASHYAM AIYANGAR.—I think seven clear days' notice is enough.

The Hon'ble P. RANGAYYA NAYADU.—If a person has to send in an amendment he has to give six days' notice.

The Hon'ble V. BHASHYAM AIYANGAR.—This does not refer to the question of amendments, but to that of Bills.

The Hon'ble P. RANGAYYA NAYADU.—Even with regard to a Bill, an Hon'ble Member might wish to propose an amendment.

The Hon'ble Mr. J. H. GARSTIN.—I think we should retain ten days.

The Hon'ble Mr. H. W. BLISS.—I think the word "until" should be "unless." I think it is misprint for "unless."

The Hon'ble Mr. J. H. GARSTIN.—I propose that the word "unless" be substituted for "until."

The two amendments of the Hon'ble Member were on being put to the Council carried.

The rule as amended was then agreed to.

Rules Nos. 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 were then put to the Council and carried.

His Excellency the PRESIDENT.—We now come to the preamble.

The Hon'ble K. KALYANASUNDARAM AIYAR.—My Lord, before the preamble is put, I wish to point out that there is no provision here to send printed papers to the members. At present we receive all the amendments from the Under Secretary, amended Bills and the reports of the Select Committee, and there is no provision for the sending of all other printed papers.

His Excellency the PRESIDENT.—Does the Hon'ble Member refer to any particular class of papers?

The Hon'ble K. KALYANASUNDARAM AIYAR.—Such as petitions.

The Hon'ble Mr. J. H. GARSTIN.—Refer to section 28.

The Hon'ble K. KALYANASUNDARAM AIYAR.—That is when the Bill is introduced. If after a Bill is introduced, amendments are sent in, there is no provision to send them to the members.

The Hon'ble Mr. H. W. BLISS.—I think the rule on the point is quite clear. Any member wishing to propose an amendment, should send the same to the Secretary, and it will be included in the printed paper to be sent to every member under rule 5.

The Hon'ble Mr. J. H. GARSTIN.—There is another section that covers the point. Section 63 defines the duties of the Secretary, one of which is to carry on correspondence under the orders of the Council. I think the order of the Council might do for circulation of papers.

His Excellency the PRESIDENT.—I think the section 43 covers the case.

The Hon'ble V. BHASHYAM AIYANGAR.—Is future business to be transacted according to these rules?

His Excellency the PRESIDENT.—The new rules will not be introduced till the next meeting.

The Hon'ble V. BHASHYAM AIYANGAR.—If the assent is given by His Excellency the Governor now, future business will have to be done in accordance with these rules. If the assent is suspended, we can go on according to the old rules.

The preamble was then put to the Council and agreed to.

PETITIONS.

The SECRETARY.—The following petitions have been received on the Proprietary Estates Village Service Bill:—

(1) From the Secretary and Agent to the Karnams' Association, Cocanada, dated 28th August 1893.

(2) From the karnams and other village servants in the Vuratla estate, Vizagapatam district, dated 21st September 1893.

(3) From the karnams and other village servants in the Kólanka estate, Gódávari district, dated 25th September 1893.

(4) From the karnams and other village servants of Polavaram estate, Gódávari district, not dated.

(5) From the karnams and other village servants in the estates of Koruprolu and Nakkapalli of Sri Raja Gode Narayana Gajapathi Rao Garu in the Vizagapatam district, dated 26th September 1893.

(6) From the karnams and other village servants of the Anakápalle estate, dated 16th October 1893.

(7) From the zemindars and other proprietors of the district of Chingleput, not dated.

(8) From M.R.Ry. C. Sita Ramayya, Chairman, Ellore Municipality, dated 24th October 1893.

(9) From the karnams of the villages of the Kistna district, &c., dated 2nd September 1893.

(10) From the President of the Landholders' Association, dated 14th September 1893.

All these petitions have been communicated to the Hon'ble Members of the Council. I think they may be taken as read.

His Excellency the PRESIDENT.—Is it the wish of the Council that these be taken as read?

The Hon'ble Mr. J. H. GARSTIN.—In dealing with the Bill, I propose to comment upon three of the more important ones.

The petitions were taken as read.

The UNDER SECRETARY.—The next petition is—

From Palupu Pattamraza residing in Coomaranagram, Pithápuram taluk, Gódávari district, praying that the Madras Proprietary Estates Village Service Bill may be translated into Telugu and published in the District Gazettes.

The petition is to the effect that the inam lands in Government villages should not be assessed and the petitioner complains that sufficient time has not been allowed for consideration; and that the Bill has not been translated into Telugu yet. The Bill has since been translated and published in the District Gazette. The next petition is from the Rajahs of Venkatagiri and Kalahasti and the Zemindar of Karvetnagar. This has been laid on the table to-day for the first time. The next petition is from the Poligar of Bungarupalaiyam, requesting that the Bill may not be passed into law. There has not been time to print this petition. Annexed to the petition there is a memorandum which is the same as that appended to the petition from the Landholders' Association. The petition is also more or less a copy of the same. Copies of this petition have been received from the Poligars of Kallurpalaiyam and Karakambadipalaiyam in the North Arcot district.

The Hon'ble Mr. J. H. GARSTIN.—I have not seen them. Therefore I have not alluded to them, in the remarks I proposed to make.

The UNDER SECRETARY.—A telegram has also been received urging postponement of consideration of the Bill and there is also a petition from the Mahant of Hathiramji Math in the North Arcot district. This also has just been received and has not been printed and circulated yet. It is of great length. The last petition is from the Jír of Vanamamalai Math.

The Hon'ble Mr. J. H. GARSTIN.—I move that these petitions be all taken as read.

The Hon'ble Mr. J. F. PRICE seconded the proposition which was carried.

MADRAS PROPRIETARY ESTATES VILLAGE SERVICE BILL.

The Hon'ble Mr. J. H. GARSTIN.—I would ask your Lordship in view of the time to postpone the consideration of the Madras Proprietary Estates Village Service Bill until such date as your Lordship may consider it expedient to adjourn this meeting to; and that we now proceed to consider the Revenue Board Bill and the Bill to repeal the Madras Regulation VI of 1831.

His Excellency the PRESIDENT.—At this late hour of the meeting I think that we may adjourn the consideration of the Bill,—that is No. 5 on the agenda paper to to-morrow morning. Therefore, we shall now take up the Revenue Board Bill.

THE REVENUE BOARD BILL.

The Hon'ble Mr. J. H. GARSTIN.—My Lord, I present the report of the Select Committee on the Bill to amend Madras Act II of 1883 which provides for the conduct of business by the Board of Revenue. The reasons for the amendments made in the Bill and for re-enacting the present Act altogether are given in the Select Committee's report, to which I have no remarks to add. The Bill is not one of any general interest. It is intended to facilitate the despatch of business by the Revenue Board, and as amended is approved by the Government and the Board, who are the parties most interested. So far as the public have any interest in the matter, that

interest remains practically unaltered, inasmuch as, under the Bill, the public will be duly informed what subjects will be dealt with by more than one member, and these will, no doubt, under the orders of Government, include all those matters which are of the greatest public interest.

I therefore move that the Bill, as amended by the Select Committee, be taken into consideration.

The Hon'ble Mr. H. W. Bliss, seconded the motion.

The Hon'ble Mr. J. H. Garstin.—Notice of two amendments to this Bill has been given by the Hon'ble K. Kalyanasundaram Aiyar.

The proposition was put to the Council and carried.

The Hon'ble K. Kalyanasundaram Aiyar.—The first amendment I beg to propose is worded thus :—

1. To add to section 2 another proviso as follows :—

Provided also that in the case of any subject allowed to be dealt with by a single Member of the Board, if the member before whom the said subject comes on for disposal happens to be the officer who, as Collector or otherwise, disposed of it before it came up to the Board, he shall not deal with it himself, but shall refer it to another member for disposal.

The Hon'ble R. Ramasubbaiyar seconded the amendment.

The Hon'ble Mr. J. H. Garstin.—I oppose this amendment to section 2 as entirely unnecessary. It is the invariable practice in the Board of Revenue that a member shall not dispose of any appeals against his own decision in another capacity. I think the addition proposed by the Hon'ble Member is nothing less than a severe reflection on the Members of the Board. I think we may leave the despatch of business in this respect with confidence to the Members of the Board.

His Excellency the President.—It is a matter of regret to me that the Hon'ble Member has thought it necessary to introduce such an amendment at all. As the Hon'ble Member in charge of the Bill said it is a severe reflection upon those entrusted with authority in this country that it is thought that such an addition to the Bill should be required. I hope after what has passed the Hon'ble Member will see fit to withdraw his amendment.

The Hon'ble K. Kalyanasundaram Aiyar.—I disclaim any intention of casting a reflection upon the Members of the Board of Revenue. I thought that was the practice; and if that was the practice I thought there was no objection to embodying it in the Bill. After the statement from the Hon'ble Mr. J. H. Garstin, I have no objection to withdraw it.

The Hon'ble Mr. J. Grose.—The Hon'ble Member might just as well propose that the Members of the Board should dress properly and behave as gentlemen as propose such an amendment.

The proposed amendment was then withdrawn.

The Hon'ble K. Kalyanasundaram Aiyar.—I beg to propose the following amendment of which I gave notice :—

To add the following section :—

(5) Whenever the Board of Revenue has to dispose of any matter which partakes of the nature of a judicial investigation, it shall conduct its proceedings in connection therewith in accordance with the provisions of the Code of Civil Procedure.

On consideration I think it is little too wide. With your Lordship's permission, I shall alter it thus:—

Instead of the words "conduct its proceedings" down to "Civil Procedure," substitute "hear the party affected or his counsel if he so desires." If that portion of the amendment is carried, I should be quite satisfied. At present there is no provision for hearing parties even in those cases where the proceedings taken are in the nature of judicial proceedings. In cases under the proposed Proprietary Village Service Bill, and other cases where the hereditary claim is disposed of by the Collector and by the Board on appeal it seems to me that a provision like the one I have suggested is necessary.

The Hon'ble N. Subba Rao.—In seconding the amendment, I beg to submit that it is an essential principle that in all judicial proceedings the parties should be heard. I think it is better in the interest of justice and as facilitating inquiry for the Board itself to hear the parties concerned. In the end the decision will be more easily arrived at; and it will be a real help to the Board in the transaction of business if, in judicial matters, they hear the parties or their counsel.

The Hon'ble Mr. J. H. Garstin.—My Lord, I regret I cannot accept the amendment. I have been for a good many years a Member of the Board of Revenue and I can only say from my own personal experience which has been confirmed since by the experience of the present Members of the Board that such a procedure is utterly impracticable. There is no doubt whatever that if the Board had the time to hear parties in person they would prefer to do so. The Board are just as ready to do justice in departmental matters as the Courts of law are in judicial matters; but it is entirely out of the question that, with the present strength of the Board and its Secretariat, the parties could be heard either in person or by counsel. I consulted the Board upon this subject some months ago, when I first saw the suggestion in the columns of the *Hindu*; and the reply I received from the Secretary is to this effect:—

"I am directed to say that the idea of hearing parties or their vakils, even in a few of the more important cases only, appears to the Members of the Board to be absolutely impossible. The work of the Board which, as Government is aware, is already extremely heavy, would under such a system be enormously increased. Every official smarting under a sentence of dismissal, suspension or fine would employ a vakil if he could afford to do so and every petitioner under Regulation VI of 1831 or under any other law would do the same. I am to point out that Board would, under these circumstances, be quite unable to cope with the increased work that would fall to its share with its present staff of members, and that if no increase was allowed to this staff all business would be practically at a standstill. Moreover, if the Board, as the head of the Revenue Department, is to be compelled to hear parties or their vakils, it logically follows that all heads of departments must do the same, and it might even be urged that the Government itself was not exempt from this duty. On all these grounds I am to say that the Members of the Full Board are unanimously opposed to the insertion of a clause in the Revenue Board Bill, such as that contemplated by the *Hindu* and are strongly of opinion that the present system which has obtained for upwards of 90 years should be left undisturbed."

I fully agree in that view, My Lord. The work of the Board is extraordinarily heavy. The Secretary is probably the hardest worked official in the whole of the public service; and I cannot see what reason there is for imposing upon the Revenue Board this duty from which all other departments are exempt when dealing with their servants in the matter of departmental piccadilloes. Therefore I am unable to accept the amendment proposed.

The Hon'ble K. Kalyanasundaram Aiyar.—What I am now submitting for the consideration of the Council has nothing to do with public servants, but refers only to cases of a judicial nature.

The Hon'ble Mr. J. H. Garstin.—In point of fact, whatever investigations are held by the Board are investigations of a departmental character, except those which are dealt with under Regulation VI of 1831, and those are so numerous that it is quite out of the question that parties should be heard in person or by vakils.

His Excellency the President :—I must say, being personally responsible for the work of Government, I should look with fearful concern on what would happen if such an amendment as this is passed by the Council. I sincerely trust that we shall not be asked to place ourselves in the position in which we shall be if such an amendment is carried, because I really do not know, if it will be possible, even with ten more members, to get through the work. As the Hon'ble Member said, from his personal experience, I feel convinced, from the knowledge I have received of the work of this Presidency, that the Board of Revenue has on its shoulders more than it can bear, and to place upon it such an extraordinary burden of such an onerous character would paralyse its action, and cripple its usefulness to such an extent that we might as well close it at once. I therefore hope that this amendment will not be pressed, or, if it is pressed, it will not be carried.

On the amendment being put to the Vote, there were —

For	6
Against	12
Majority against ...	6

The Hon'ble K. Kalyanasundaram Aiyar.—After the fate that has befallen No. 5, I beg to withdraw No. 6, as being more extensive than No. 5.

The proposed amendment was accordingly withdrawn.

The Hon'ble Mr. J. H. Garstin.—With your Lordship's permission, I beg to propose a small amendment, which was suggested to me within the last 48 hours. It is a small amendment in the last section of all, which runs at present. "No less than three Members of the Board shall be held to constitute a Collective Board." It has been suggested by one of the Members of the Board of Revenue that cases might arise where the Board might be without one of its members for some time, one might be sick and another touring in Rampa or Orissa. Also the Board might possibly in the near future, as has been more than once suggested, be reduced in numbers. It has therefore been suggested to me that the Collective Board might consist of such number of members not being less than two as may from time to time be notified by Government. I think the suggestion is a good one. I beg to move that it be adopted and inserted in section 4, so that the section shall run thus: "Not less than two or three Members of the Board, as the Government may from time to time notify, shall be held to constitute a Collective Board."

His Excellency the President.—In considering this Bill, it is better that we take up section by section, and then the preamble.

This suggestion was agreed to by the Council.

The Secretary read the following section (No. 1) :—

"1. Madras Act II of 1883 (an Act to provide for the conduct of business by the Board of Revenue) and section 7 of Regulation I of 1803 are hereby repealed."

Repeal.

This section was agreed to.

The SECRETARY read the following section (No. 2):—

Board may distribute business subject to approval of Government.

"2. Notwithstanding anything contained in Regulation I of 1803, in Regulation V of 1804, or in any other enactment in force in the Presidency of Madras, it shall be lawful for the Board of Revenue, subject to the approval of Government, to declare what portion of the business of the Board may be disposed of by a single member or by two members and what portion shall be reserved for the decision of a Collective Board. Every such declaration shall, after approval by Government, be notified in the *Fort St. George Gazette.*

Proviso.

"Provided that, in the case of any subject reserved for disposal by a single member or by two members, the said member or members may refer it, after consideration, for the opinion of another member or for the decision of a Collective Board, as the case may be, and that, where the opinions of two members differ, they shall refer the subject for the decision of a Collective Board."

This section was also agreed to.

The SECRETARY then read the following section (No. 3):—

Orders of one or more members to be orders of Board.

"3. All orders made and decisions passed by one or more Members of the Board in accordance with a declaration made under the last preceding section or with its proviso shall be held to be the orders and decisions of the Board of Revenue, and the same shall not be deemed invalid by reason that subsequent thereto the said declaration was disapproved by Government."

This section also was agreed to.

The SECRETARY then read the last section which runs as follows:—

A Collective Board.

"4. Not less than three Members of the Board shall be held to constitute a Collective Board."

The Hon'ble Mr. J. H. GARSTIN.—I move an amendment to this section. It shall stand thus "not less than two or three members of the Board, as the Government may from time to time notify, shall be held to constitute a Collective Board."

The Hon'ble Mr. H. W. BLISS.—If the Collective Board is to consist of two members, you will have one Collective Board referring matters to another Collective Board.

The Hon'ble V. BHASHYAM AIYANGAR.—The remedy is that such subjects as can be dealt with by two members shall be dealt with by the Collective Board of two.

The Hon'ble Mr. J. H. GARSTIN.—The amendment is not a very important one. It is not likely to be put in force even once in ten years.

The Hon'ble V. BHASHYAM AIYANGAR.—I think there will be a contradiction between section 4 as amended and section 2.

The Hon'ble Mr. H. W. BLISS.—If one of the members should be absent, either the matter must stand over till he returns or it must be referred to him by post or telegraph. That is the proper course to take and not to alter the definition of Collective Board.

The Hon'ble Mr. J. H. Garstin.—As the amendment is not an important one, I have no objection to withdraw it.

Section 4 was then put to the Council and carried.

The preamble was also put to the Council and carried.

The Hon'ble Mr. J. H. Garstin.—I now move that under the powers vested in your Lordship under rule 51, the Standing Orders be suspended so that the Bill may be passed into law.

His Excellency the President.—Under the powers vested in me, I suspend the Standing Orders.

The Hon'ble V. Bhashyam Aiyangar.—As the amendment has been withdrawn, the Bill may be passed into law without suspending the Standing Orders.

The Hon'ble Mr. J. H. Garstin.—I propose then that this Bill be passed into law.

The Hon'ble V. Bhashyam Aiyangar seconded the proposition which was put to the Council and carried unanimously.

BILL TO REPEAL MADRAS REGULATION VI OF 1831, &c.

The Hon'ble Mr. J. H. Garstin.—In introducing a Bill to repeal Regulation VI of 1831, &c., and in moving that it be referred to a Select Committee for report, said :—

My Lord,—The Statement of Objects and Reasons sets out so fully the grounds on which the Government deem it necessary to introduce the present Bill that I should be only wasting the time of the Council in repeating them. Regulation VI of 1831 which the Bill proposes to repeal has become worse than useless. It fosters litigation in a mischievous manner and thereby entails an amount of expenditure on village officers and of troublesome work on the officers of Government for which there is no reason. It is not precise in its language or definitions, and its repeal and replacement by an Act which will lessen litigation among village officers while effectually safeguarding their interests in the offices which they hold will confer on them a great boon.

The Bill is called the Village Officers' Hereditary Succession Act and applies to the whole Presidency except the Scheduled Districts and the areas or estates to which, as well as the village officers in them to whom, the Proprietary Village Service Cess Act has been, or may be, extended. The classes of village officers to which the Act will apply are specified in section 3. Care is taken, however, under section 8, to declare that nothing in the Bill shall create any hereditary right of succession to village offices in those districts where, prior to the passing of the Act, the right of succession has not been hereditary. Under this proviso, the districts of Malabar, South Canara, Salem, Tanjore and Trichinopoly are excluded from the operation of the Act.

Under section 4 the terms "Village" and "Village officer" are defined, while section 5 bestows on the Government statutory power to group villages together, or to divide them, for purposes of administration. This power has long been exercised by the Government, without question, under the customary law, but it is thought that the present occasion may be taken advantage of to confer the power by enactment, in connection with the clubbing of villages for the purpose of revising the village establishments.

Section 6 enacts that on the formation of new villages by the clubbing or division of old ones, the village offices in the old ones shall be considered to have disappeared with the existence of the villages to which they originally belonged and that new village officers shall be appointed to the new offices. In filling them up, however, consideration is to be given to the claims of the office-holders of the original officer, and they are to have the preference if duly qualified.

Section 7 places all village officers under the authority and control of the officer in charge of the Division and provides for an appeal to the District Collector against any order of such officer dismissing or otherwise punishing a village officer, provided it is preferred within a month. In the case of an original order of the District Collector punishing a village officer, an appeal lies to the Revenue Board within 3 months. In either case only one appeal is allowed. Provision is also made that when a village officer is both head of his village and the village munsif appointed under Madras Act I of 1889, if he is dismissed or suspended in the latter capacity, he is to be so in the former also.

Sections 8 and 9 contain the rules governing the hereditary succession to village offices. They are practically the same as those in the Proprietary Village Service Cess Bill, and are based on the principles that no one shall be eligible for appointment to one of the village offices, specified in section 3, who is not qualified according to sub-section 2 of section 8 to hold it and is not also in the line of succession to the last holder of the office, according to the general custom and rule of primogeniture governing the succession to impartible estates in South India. Opportunity has been taken under this section to declare females ineligible to hold village offices.

Sections 10, 11 and 12 relate to the filing and disposal of suits to establish claims to succeed to village offices. A three-year period of limitation is fixed for filing such suits; no suit is to be entertained which is filed for the purpose of getting a declaratory decree or is based on the tenure of a previously-existing but since-abolished office, or is filed by a person not eligible to hold the office sued for by reason of disqualification under section 8.

Section 11 provides for the transfer by the Collector of suits from one Divisional officer's file to that of another or to his own; while section 12 provides that there shall be only one appeal in any suit; the decision of the District Collector in an appeal against a Divisional officer's decision, or that of the Board of Revenue in an appeal against a Collector's decision, being final and conclusive. This is one of the most valuable provisions in the Bill. Owing to the indefinite wording of the present law, there are practically three appeals in every suit, and the result is very mischievous. There is no reason whatever why more than one appeal should be allowed. The suits are of very small value, they relate to matters of purely village administration, and they ought, as a rule, to be finally decided by the district authorities. The prolonged litigation in connection with the right of succession to these offices tends to render their tenure insecure for long periods, and thus to affect the efficiency of the village officers in office, so long as they are uncertain as to the possibility of their being turned out of office by an adverse decision on appeal. Careful inquiry on the spot and prompt and final decision are eminently necessary, and this the Bill provides for. It is a matter of no public interest which of two brothers or two cousins should hold a village office, provided that the incumbent is thoroughly fit for the office and is a member of the family in which the office is hereditary. The dignity and status of a village officer are, however, highly prized and the litigants often spend considerable sums in preferring appeal after appeal whether there is good ground for them or not. This in itself is an evil which calls for remedy.

Section 13 is also an extremely valuable provision. It gives, what has always been so much felt to be wanting under Regulation VI of 1831, namely, power to a Divisional officer to execute his own decree and to put a village officer who has sued for possession of the emoluments of his office into possession of them. At the same time, it leaves it to the Civil Courts to decide whether the emoluments of an office are lands or the assessment or produce thereof, and directs that, when this is one of the points in issue, the officer hearing the suit is to assume that the produce or assessment forms the emoluments of the office till the Court has decided that it is the land itself.

Section 14 provides for the disposal of suits relating to artizans' inams on the same lines as those of village officers, while section 15 enacts that all suits and appeals now pending under Regulation VI of 1831 shall be heard and disposed of as if they had been filed under the Bill.

Section 16 enables the Revenue Board to draw up rules, subject to the approval of Government, for regulating various matters connected with the conduct of village officers and the discharge of their duties and other cognate matters.

Lastly, section 17 bars the jurisdiction of the Civil Courts in suits for succession to village offices or for the emoluments attached thereto.

The Bill is a short one, but provides, I consider, effectually for remedying the defects in the present law, and I therefore move that it be referred to a Select Committee consisting of—

The Hon'ble Mr. Grose,
The Hon'ble Srinivasa Raghavaiyangar,
The Hon'ble Bhashyam Aiyangar,
The Hon'ble Sabhapati Mudaliyar,
The Hon'ble Kalyanasundaram Aiyar,
The Hon'ble the Advocate-General,
The Mover,

with orders to report thereon within three weeks.

The Hon'ble Mr. H. W. Bliss seconded the proposition which was put to the Council and carried.

His Excellency the President.—Time for adjournment has now arrived. I therefore adjourn this meeting to 11 o'clock to-morrow morning.

The Hon'ble and Rev. Dr. Miller.—Later on in the day will be very much more convenient to many of the members.

The Hon'ble Mr. J. H. Garstin.—I anticipate a good deal of discussion on the Bill. It is proposed to hear Counsel if a motion is carried to that effect. I do not know what the view of the Council is on that point.

His Excellency the President.—Considering the likelihood of considerable discussion, I think we should meet at 11 o'clock to-morrow morning.

The Council then adjourned to 11 a.m. on Wednesday the 15th November 1893.

(By order.)

Fort St. George,
18*th November* 1893.

A. BUTTERWORTH,
Secretary to the Council.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 11 A.M. on Wednesday the 15th day of November 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
His Excellency the COMMANDER-IN-CHIEF.
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble Mr. H. W. BLISS, C.I.E.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. H. F. CLOGSTOUN, C.S.I.
The Hon'ble Mr. J. GROSE, M.A.
The Hon'ble Mr. W. P. AUSTIN.
The Hon'ble Colonel J. PENNYCUICK, R.E.
The Hon'ble Mr. A. MONRO, M.A., B.C.L., Barrister-at-Law.
The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.
The Hon'ble V. BHASHYAM AIYANGAR, Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.
The Hon'ble P. RANGAYYA NAYUDU Garu.
The Hon'ble N. SUBBA RAO, Pantulu Garu, B.A., B.L.
The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.
The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.
The Hon'ble and Rev. W. MILLER, M.A., LL.D., C.I.E.
The Hon'ble C. SANKARAN NAYAR, B.A., B.L.

ASSENT TO THE NEW RULES.

His Excellency the PRESIDENT.—Gentlemen,—I have to announce my assent to the new rules which were passed by the Council at yesterday's meeting, so that they will now be in force in future, and I hope the Honorable Members will guide their procedure by them. The first business is the Madras Proprietary Estates Village Service Bill.

MADRAS PROPRIETARY ESTATES VILLAGE SERVICE BILL.

The Hon'ble Mr. J. H. GARSTIN.—My Lord,—In view of the great number of amendments, of which notice has been given in respect to this Bill, I have, on further consideration, deemed it expedient and most convenient to the Council that it should be re-committed to a Select Committee with instructions to report at the end of a week or within a week. The Select Committee will then be able to consider all the numerous petitions that have been presented and also all the amendments that have been proposed. That will save, my Lord, the time of the Council and enable it, when the Bill is finally presented by the Select Committee, to dispose of it in a very much shorter time than is possible under the existing circumstances. I therefore accept the amendment, of which notice has been given by my Hon'ble friend Mr. K. Kalyanasundaram

Aiyar, that the Bill be re-committed to the Select Committee with instructions to report within a week ; and I further beg to propose that as two or three members of the Select Committee are not here, it shall be strengthened by the addition of the Hon'ble Mr. J. Grose, the Hon'ble Mr. S. Srinivasa Raghavaiyangar, the Hon'ble Mr. K. Kalyanasundaram Aiyar, and the Hon'ble Mr. P. Rangayya Nayudu.

The Hon'ble Mr. H. W. Bliss seconded the proposition, which was put to the Council and carried unanimously.

The Under Secretary.—There is no further business before the Council, your Excellency.

His Excellency the President.—There being no other business before the Council, I have to dissolve the meeting. I can only say that I regret we were not able to finish all the business in one day. It has only recently become apparent to the Members of Government what a large number of amendments have been proposed ; and though almost every one of them was really out of order, we thought it better that they should be taken into consideration as soon as possible in the manner now suggested. If we could have foreseen what has taken place earlier in the day, I think we should have saved Hon'ble Members the trouble of coming here to-day. I regret that it should have been so, but I think the best course has been taken in this matter.

The Hon'ble and Rev. Dr. Miller.—May I ask what the practical effect of this resolution will be, and when the Bill will be laid before the Council ?

The Hon'ble Mr. J. H. Garstin.—The practical result will be that, during the course of the next week, the Select Committee will meet and consider the Bill, together with the petitions and amendments. They will then draw up a report, which will be printed and published. It will have to be in the hands of the members at least ten days before the meeting at which it is considered. I calculate that it will be not less than three weeks before the Council will be able to meet and consider the Bill.

His Excellency the President.—I propose that the Council shall meet on the 12th December ; and I hope by that time the report of the other Select Committee will have been in the hands of the members for the statutory time.

The Hon'ble Mr. J. H. Garstin.—I may say that, in consequence of the assent of His Excellency to the new rules, it will now be competent for the Select Committee to hear counsel. The Raja of Venkatagiri, as representing the Landholders' Association, is anxious to be heard in this way, and I trust that the counsel will appear on his behalf before the Select Committee, which will be glad to hear what he has to say on the subject.

The Hon'ble and Rev. Dr. Miller.—Then are we to understand that the Council will meet for this purpose on the 12th of December ?

His Excellency the President.—Yes, I hope by that time the report of the other Select Committee will be in the hands of the members.

The Council then dissolved.

(By order.)

A. BUTTERWORTH,
Secretary to the Council.

MADRAS : PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

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Proceedings of a Meeting of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 3 P.M. on Tuesday, the 12th day of December 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble Mr. H. W. BLISS, C.I.E.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble Mr. H. F. CLOGSTOUN, C.S.I.
The Hon'ble Mr. J. GROSE, M.A.
The Hon'ble Mr. C. S. CROLE.
The Hon'ble Mr. W. P. AUSTIN.
The Hon'ble Colonel J. PENNYCUICK, R.E.
The Hon'ble Mr. A. MONRO, M.A., B.C.L., Barrister-at-Law.
The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.
The Hon'ble the MAHARAJAH OF VIZIANAGRAM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, B.A., B.L., Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.
The Hon'ble P. RANGAYYA NAYADU.
The Hon'ble A. SABHAPATI MUDALIYAR, Rao Bahadur.
The Hon'ble N. SUBBA RAO PANTULU, B.A., B.L.
The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.
The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.
The Hon'ble the Rev. W. MILLER, M.A., LL.D., C.I.E.
The Hon'ble C. SANKARAN NAYAR, B.A., B.L.

His Excellency the PRESIDENT, in opening the Proceedings of the Council, said:—

GENTLEMEN,—Before we proceed to the business of the meeting, there is a small matter to which I wish to call the attention of the Council in connection with the reporting of speeches. It has been represented to me that it would be a great convenience if the Press could be furnished beforehand with copies of speeches which the Hon'ble Members may intend to deliver on certain points. The reporters would then be able to take the speech as either printed or written; and, following it as Hon'ble Members are speaking, they will be able to make the necessary corrections and to furnish complete and proper reports of the speeches. Naturally, this is a question more for the Hon'ble Members to decide; and I simply throw out the suggestion for Hon'ble Members, that if they are anxious to get their speeches carefully and fully reported, such an arrangement as this might be beneficial not only to themselves but also to the public generally. I also desire to call the attention of the

Hon'ble Members of the Council to certain points which have occurred in consequence of late notices having reached Government in respect of questions and amendments. Several questions were sent in to the Secretary under the stated time—that is, six clear days between the presentation of questions and this meeting. Considering that our meetings are early and Hon'ble Members are new to the work which they undertook, I thought there was no objection to receiving those questions. Others have come in since then—other amendments—which made it almost impossible for Government to give them that attention which they ought to receive. I therefore agree with Government in thinking those amendments and questions should not be put. I only hope that the Hon'ble Members will understand that the Government think it necessary that the rules passed should be strictly and carefully adhered to; and only in very exceptional cases will the rules be modified in favour of any Hon'ble Members desiring to put particular questions or any amendments. I merely point this out so that the Hon'ble Members may in future be more careful in carrying on the business of the Council, because it is the wish of Government, as far as possible, to meet the Hon'ble Members, not only in the matter of questions, but also of amendments, which, you will understand, it is important, should come to Government in proper time in order to receive proper attention.

A NEW MEMBER.

The SECRETARY.—I have the honour to announce to your Excellency that the Hon'ble Mr. C. S. Crole, I.C.S., has taken his seat as an additional member of the Council.

QUESTIONS.

His Excellency the PRESIDENT.—I call upon the Hon'ble Mr. Kalyanasundaram Aiyar to ask the questions that stand in his name.

The Hon'ble Mr. K. KALYANASUNDARAM AIYAR.—With Your Excellency's permission I submit this question: I. Will the Government be pleased to state the amount of additional expenditure which is likely to be incurred every year in the Presidency of Madras in consequence of the exchange compensation allowance?

The Hon'ble Mr. H. W. BLISS.—The additional expenditure in question is estimated at the following sums for the current and next official years:—

	RS.
1893–94	4,35,000
1894–95	3,13,000

It is impossible to give an estimate for subsequent years, as the amount of the exchange compensation allowance varies with the rate of exchange, which it is hoped will improve.

The Hon'ble Mr. K. KALYANASUNDARAM AIYAR.—

II. (a) To what districts or parts of districts in the Presidency of Madras have clauses (2) to (8) of section 9 of the Madras Village Courts Act (I of 1889) providing for the constitution and procedure of village benches been extended by the Governor in Council?

(b) Have the Collectors or Divisional officers of any districts prepared lists of persons eligible to sit on such benches?

(c) Have clauses (2) to (8) of the said section been actually worked in any districts, and with what results?

The Honorable Mr. H. W. Bliss.—(*a*) Clauses (2) to (8) of section 9 of Act I of 1889 have been extended to certain villages in the following districts :—

Coimbatore.	Vizagapatam.
Chingleput.	Nellore.
Anantapur.	Bellary.

In no case have the said clauses been extended to the whole district.

(*b*) Government has no information that any lists of persons have been prepared, but it is to be assumed that they have been prepared as required by law for those villages to which section 9 has been applied.

(*c*) No report has yet been received showing with what results clauses (2) to (8) of the said section have been actually worked or whether they have been actually worked at all anywhere. A report on the subject has been called for from the Collectors of those districts in which section 9 has been in operation for more than a year.

His Excellency the President.—The Hon'ble Mr. P. Rangayya Nayadu.

The Hon'ble Mr. P. Rangayya Nayadu.—I. Will the Government be pleased to lay before the Council a return of all cases where the proved right of villagers for grazing cattle in the village commons have been recorded since the introduction of the Forest Act, and also the despatch of the Government of India in 1887 on the subject?

The Hon'ble Mr. C. A. Galton.—The reply to the Hon'ble Member's question is as follows :—

Forest Settlement officers have generally held that the privilege of grazing on waste common lands is terminable at the will of Government and have refused to recognize any claim of *right* put forward by the villagers to grazing on such areas; consequently, they have not recorded any such rights. Where the privilege of grazing can be permitted to continue after reservation of any forest without detriment to the conservancy of the tract reserved, such grazing is allowed by departmental order on payment of the regulated fees. It would be impossible to say, without searching the records of all the Forest Settlements which have been carried out since the introduction of the Forest Act, whether in any exceptional cases the rights of the villagers to grazing in common lands have been admitted and recorded, but the general tenor of the decisions in such cases has been that the communal privilege of grazing on the common lands of the village is merely a customary privilege—not a prescriptive right.

The question does not indicate with sufficient precision what despatch of the Government of India in 1887 is referred to, but possibly the review of the Forest Administration Report of this Presidency for 1885–86 is meant, as paragraphs 8 and 13 thereof contain observations on the exercise of grazing privileges within the limits of reserved forests.

Copy of this Resolution will be laid on the table for the information of Hon'ble Members.

The Hon'ble Mr. P. Rangayya Nayadu.—II. Will the Government be pleased to state—

(*a*) the circumstances which led to the publication of the Marina notification in October last?

(*b*) whether Rule 2 of the said notification is intended to apply to covered bullock-carts for the conveyance of passengers or is it confined to uncovered country carts?

(*c*) whether the word *Marina* in Rule I in the said notification includes (1) the foreshore to the east of the walk so as to prevent fishermen, Indian

children and others from using the same in their usual costume, and (2) the main road between the promenade and the ride so as to prevent jutka-drivers, pedestrians and others from using it in their ordinary costume?

(*d*) whether the Government is not aware that the South Beach road is the only convenient road available for passengers going from the Harbour, the High Court and the Fort to St. Thomé and that any other route is considerably circuitous and inconvenient?

The Hon'ble Mr. H. W. Bliss.—

(*a*) For many years past constant complaints have been made privately to the Members of Government and the Commissioner of Police, not only by residents of Madras but also by visitors from other countries, of the want of decency and of control over the traffic which could be observed during afternoons on the Marina—the place of public resort of all classes of the community. No action, however, was taken in the matter until a letter appeared on the subject in the *Madras Mail* of the 5th September, when it was considered advisable to take measures to put a stop to what was evidently becoming an intolerable public nuisance.

(*b*) The wording of this rule is perhaps unnecessarily wide. It will be amended so as not to apply to covered bullock-carts used solely for the conveyance of passengers.

(*c*) The word "Marina" in the notification in question is not intended to include the sands to the east of the hedge which runs between the sands and the promenade, nor the main road between the promenade and the ride.

(*d*) The notification, as it will be amended as above stated, does not appear to the Government to affect the passengers alluded to in any way.

The Hon'ble Mr. P. Rangayya Nayadu.—

III. (*a*) Will the Government be pleased to state whether it is a fact that the promotion of non-commissioned officers in the Medical department of this Presidency is dependent on their passing an examination once in every seven years in subjects in which they have undergone examination before obtaining their degrees or certificates?

(*b*) Was a similar rule in force in regard to commissioned officers repealed about 1883, and, if so, why?

The Hon'ble Mr. H. W. Bliss.—

(*a*) Yes.

(*b*) In the royal warrant of 1873 it was laid down that Surgeons would be required to pass an examination before promotion to Surgeon-Major. This provision was omitted from the warrant of 1881 on the representation of the Government of India, but what this representation was is not within the knowledge of this Government.

The Hon'ble Mr. P. Rangayya Nayadu.—

IV. (*a*) Is the Government aware of the provision in section 15 of the Presidency Small Cause Courts Act XV of 1882 that any Judge of such Court shall not be concerned in any profession, and that any such Judge so concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code?

(*b*) Is the continuance of Mr. J. G. Smith, the Acting Third Judge of the Presidency Small Cause Court, a Junior Professor of Law in the Madras Law College, reconcileable with the said provision and has the Government sanctioned such continuance?

The Hon'ble Mr. H. W. Bliss.—The Government is aware of the provision of law referred to by the Hon'ble Member, but, with reference to the Hon'ble Member's second question, does not consider that it applies to Mr. Smith, whose retention of his appointment as a Junior Professor of Law in the Madras Law College the Government has sanctioned.

The Hon'ble Mr. P. Rangayya Nayadu.—V. Will the Government be pleased to state whether in the General Hospital of Madras there is any provision made for the separate accommodation of caste-patients, and whether, if there is no such provision at present, the Government will make early arrangements for the same?

The Hon'ble Mr. H. W. Bliss.—There are no separate caste-wards in the General Hospital and it is not the intention of Government to provide any. I may however state that caste-patients are allowed to have their own food brought in from outside and that, when necessary, passes are given to caste-servants to come into the hospital and attend on their masters. In the new buildings, also, on the third storey of the hospital, separate rooms, called Native officers' quarters, are provided for native gentlemen who may desire to be treated as in-patients.

The Hon'ble Mr. P. Rangayya Nayadu.—VI. Will the Government be pleased to state the number of appeals from the district of North Arcot disposed of under the Act II of 1883 by the Revenue Board from January to June 1893 and how many of them were disposed of by Mr. William Joseph Henry LeFanu as Acting Member of the Board of Revenue?

The Hon'ble Mr. J. H. Garstin.—The number of appeals from the district of North Arcot disposed of by the Board of Revenue, during the period referred to in the question, was 56. Of these, Mr. LeFanu, as one of the Land Revenue Commissioners, took part in the disposal of 50, out of which number he disposed alone of 40 appeals against his own decisions as Collector of North Arcot. The Government are much surprised and concerned that this should prove to be the case and will issue orders to have the appeals alluded to heard again.

They are not aware whether the Hon'ble Mr. Kalyanasundaram Aiyar was in possession of this information at the last Council when he moved an amendment to insert a clause into the Revenue Board Bill to prevent members of the Board from disposing of appeals against decisions passed by themselves as Collectors. If he was, it is to be regretted that he did not say so at the time. Had he done so, the Government would not have opposed his amendment.

The Government will take steps to lay down a rule for the guidance of members of the Board which will have the effect of preventing any recurrence of such an incident.

The Hon'ble Mr. K. Kalyanasundaram Aiyar.—May I ask your Excellency whether you consider it is necessary for me to say anything in reply to the Hon'ble Mr. Garstin's remark?

The Hon'ble Mr. Garstin.—No, it is not necessary.

His Excellency the President.—I don't think it is necessary. The Hon'ble K. Kalyanasundaram Aiyar will now put his question.

The Hon'ble Mr. P. Rangayya Nayadu.—Are we proceeding with the Bill?

His Excellency the President.—No. The questions are not yet finished.

The Hon'ble Mr. K. Kalyanasundaram Aiyar.—Whether the Government will be pleased to call from District Magistrates for a special report on the working of the system of Honorary Magistrates in the Presidency?

The Hon'ble Mr. H. W. Bliss.—In the absence of any reason given for calling for a special report on the working of the system of Honorary Magistrates, the Government does not propose to call for one; but I may mention that the work of the Honorary Magistrates is dealt with periodically in the annual report on the Administration of Criminal Justice prepared by the Hon'ble the Judges of the High Court and is noticed by Government in reviewing that report.

His Excellency the President.—The Hon'ble Mr. A. Sabhapati Mudaliyar.

The Hon'ble Mr. A. Sabhapati Mudaliyar.—I. Whether the Government do not think it now advisable, considering the growing importance in population and commerce of the town of Adoni, in the Bellary district, to confer on the inhabitants thereof the privilege of electing Municipal Councillors as prayed for by them repeatedly, such privilege being now enjoyed by many towns comparatively of lesser importance.

The Hon'ble Mr. H. W. Bliss.—The Hon'ble Member appears to be under a misapprehension. The Council has not applied repeatedly but once only, three years ago, for the privilege of election. If it renews the application, the matter will be reconsidered.

The Hon'ble Mr. A. Sabhapati Mudaliyar.—II. Will the Government be pleased to grant to the District Boards the privilege of electing their Vice-Presidents?

The Hon'ble Mr. H. W. Bliss.—I will answer this question together with that on the same subject by the Hon'ble N. Subba Rao Pantulu.

His Excellency the President.—The Hon'ble N. Subba Rao Pantulu.

The Hon'ble Mr. N. Subba Rao.—

I. (a) Is it the case that lists of jurors and assessors as prepared now under section 321 of Act X of 1882 include (1) persons who find it difficult by reason of their poverty to be in attendance in Court, and (2) persons who by reason of their defective education and training are unable to intelligently follow the proceedings in Court; and that the said lists do not at the same time contain the names of several suitable men?

(b) Are there any rules for the guidance of officers charged with the preparation of the aforesaid lists specifying any property or educational qualifications in regard to persons to be selected as jurors and assessors? If not, will the Government, after such enquiry as it may deem proper, be pleased to suggest to such officers the desirability of their adopting some rules specifying property, educational or other requisite qualifications for the selection of proper persons to serve as jurors and assessors?

The Hon'ble Mr. H. W. Bliss.—

(a) The only possible answer to a question framed in such very wide terms as the Hon'ble Member's first question is "No." I may, however, point out to the Hon'ble Member that in each district, the District Judge and the Collector are the persons charged by law with the preparation of the lists of the jurors and assessors, so that, if in any particular case any such list should be open to the criticism implied by the terms of the Hon'ble Member's question, the proper course would be to bring the facts to the notice of the District Judge or Collector who would be only too happy to be informed of unsuitable persons included in the list and of suitable persons excluded from it.

(*b*) The law does not confer upon Government the power to make rules regarding the qualifications of jurors and assessors, so the answer to the first part of the Hon'ble Member's second question is "No." If, as suggested in the last part of the same question, the Government were to request the Judges and Collectors to frame rules regarding the qualifications of jurors and assessors, they would not have a binding force on the officers entrusted with the duty of framing the lists. It seems therefore inadvisable to adopt the Hon'ble Member's suggestion.

The Hon'ble Mr. N. Subba Rao,—

II. (*a*) Will the Government be pleased to state whether, since the passing of Act V of 1884, it has authorized "the members of any Local Board to appoint their Vice-President by election"?

(*b*) If not, whether the Government will be pleased to confer this privilege on such select Local Boards as may, after enquiry, be thought deserving of the said privilege.

(*c*) Will the Government be pleased to state in how many District Boards there are non-official Vice-Presidents appointed by the Government?

(*d*) Will the Government be pleased to increase the number of such non-official Vice-Presidents whenever the Government finds it expedient?

The Hon'ble Mr. H. W. Bliss.—

(*a*) No.

(*b*) The matter will be fully considered if any Local Board should express the wish to elect its Vice-President.

(*c*) In one.

(*d*) If competent non-officials should be found willing and able to devote the necessary time to the duties of the post, the Government will be very pleased to appoint them.

ACT FORWARDED FOR THE GOVERNOR-GENERAL'S ASSENT.

The Secretary.—I have the honour to announce to the Council that the Bill to provide for the conduct of business by the Board of Revenue, which was passed by the Council on the 14th November last, received the assent of His Excellency the Governor on the 24th idem and has been forwarded for the assent of His Excellency the Governor-General.

PETITIONS.

The Secretary.—The following petitions regarding the Madras Proprietary Estates' Village Service Bill were transferred under rule 43 to the Select Committee:—

(1) From Bezwada Papi Reddi, not dated.

(2) From Sri Raja Chelakani Appa Rao Bahadur, Proprietor, Juggampettah, not dated.

(3) From M.R.Ry. V. Saukariah Nayadu, Zemindar of Chennappa Naikenpolliem and Naduvirupett, in the Cuddalore taluk, South Arcot district, dated 16th November 1893.

(4) From the Zemindar of Vattavullum, &c., Tirukkóyilúr taluk, South Arcot district, dated 19th November 1893.

(5) From M.R.Ry. Paramasiva Gounden, Zemindar of Komaramangalam, &c., Tiruchengód taluk, Salem district, not dated.

(6) From the Mittadarni of Vallam, Tenkási taluk, Tinnevelly district, dated 14th November 1893.

The following petition regarding the Village Officers' Hereditary Succession Bill addressed to the Select Committee has been received and transferred to it :—

From the Madras Landholders' Association and the Rajas of Venkatagiri, Kálahasti and Karvetnagar, dated 24th November 1893.

The following petitions regarding the Madras Proprietary Estates' Village Service Bill have been received since the Select Committee's report was sent in :—

From M.R.Ry. Venkoba Rao, Mittadar of Kumbainellore, Uttankarai taluk, Salem district, dated 24th November 1893.

From M.R.Ry. Krishna Reddyar, Shrotriemdar of Sustrampakkam and three other villages, residing in Attur, Chingleput district, dated 25th November 1893.

From Srikanchi Kámakoti Peeta Matáthipati Sankaracháriar, Kumbakónam, dated 29th November 1893.

From M.R.Ry. C. Venkatachariar, Landholder of Mottangurichi, Uttankarai taluk, Salem district, dated 2nd December 1893.

From Kasivasi Saminada Tambiranswamy, Adheenakarthar of Tirupunandul Mutt, Tanjore district, dated 3rd December 1893.

These are mere copies of previous petitions and I submit that they may be taken as read. Petitions from the Pandara Sannadi of Dharmapuram Mutt, Tanjore district, dated 3rd December 1893; the President of the Landholders' Association, dated 8th December 1893; and the Rajas of Venkatagiri, Kálahasti and Karvetnagar, dated 6th December 1893, were circulated to the Hon'ble Members yesterday.

The Secretary then read the following telegrams :—

Telegram from M.R.Ry. V. Ramamurthi, Agent of Karnams, Vizagapatam district, dated 10th December 1893.

Telegram from M.R.Ry. V. Ramamurthi, Agent of Village Servants, Kolanka Estate, Gódávari district, dated 10th December 1893.

Telegram from the Secretary, Karnams' Association, Cocanada, dated 10th December 1893.

The Secretary: The following further petitions have been received; they are identical :—

From Chowdari Ramachendra Patnayak, Karnam of Aludu, &c., villages of the Sarvakota Mittah in Parlákimedi taluk, Ganjám district, dated 4th December 1893.

From Chowdari Krishnadoss Patnayak, Karnam of Kottur and Nushidabad, villages of the Sarvakota Mittah in Parlákimedi taluk, Ganjám district, dated 4th December 1893.

From Chowdari Ramadoss Patnayak, Karnam of Chodisamudram, &c., villages of the Sarvakota Mittah in Parlákimedi taluk, Ganjám district, dated 4th December 1893.

From Chowdari Sitanna Patnayak, Karnam of Angur, &c., villages of the Sarvakota Mittah in Parlákimedi taluk, Ganjám district, dated 4th December 1893.

The Secretary then read one of the petitions.

The Hon'ble Mr. J. H. Garstin.—I move that the petitions that have been alluded to by the Secretary be taken as read. They have all been circulated to the Hon'ble Members of the Council.

The Hon'ble Mr. H. W. Bliss.—I second that.

The proposition was agreed to by the Council.

THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE BILL.

The Hon'ble Mr. J. H. Garstin.—In presenting the further report of the Select Committee on the above Bill, spoke as follows :—

My Lord,—When in April last I presented the first report of the Select Committee on this Bill, I purposely abstained from any lengthy remarks because I intended to reserve such observations until the autumn session of the Council, by which time the measure would have been before the public for some six months and thus ample opportunity would be given to those who were likely to be most affected by the Bill to consider it fully and urge their objections to it in good time, before the Council met again. When it did so, seven months had elapsed and there were then about 26 petitions in connection with the Bill besides four long lists of amendments, of which notice had been given, for consideration by the Council. Many of these petitions were received so short a time before the Council met that they did not reach me before the meeting, while some of the notices of amendments were not sent in three clear days before the Council met, as required by the rules, so that I was not able to give them as much consideration as I could have wished. I therefore thought that it would be better in every way if the Bill was re-committed as proposed in one of the amendments of which notice had been given. The Council accepted my proposal to that effect, the Select Committee has again considered and still further amended the Bill, and I now present its second report thereon.

Among the numerous petitions referred by the Council to the Select Committee were practically only four original ones. These were—

(1) From the Madras Landholders' Association.
(2) From the Zemindars of Venkatagiri, Kálahastri and Karvetnagar.
(3) From certain Zemindars and other landholders of the Chingleput district.
(4) From the Karnams' Association of Cocanada.

The rest were for the most part merely copies of the first or last.

I had intended before the Bill was re-committed to have gone, in full detail, into all the objections raised in these four original petitions, but now that they have been considered in Select Committee and Counsel has been heard at great length on behalf of the petitioners who submitted the 1st, 2nd and 4th petitions, such a course is no longer necessary. It is only in the petitions of the Madras Landholders' Association, and of the three Zemindars already specified, that objection is taken to the Bill in principle and as a whole. The other petitioners are not opposed to its principles, but merely object to some of its details. I shall therefore in the course of the remarks I am now about to make confine my observations on these petitions to the first two and to only those main points in them on which the petitioners base their request for the rejection of the Bill *in toto*, because these objections are as applicable to the Bill as now amended as they were to it before it was re-committed.

Before doing this, however, I propose to describe briefly the main features of the Bill as now amended, showing how it will give the officers of Government and proprietors of estates greater power of control than they now possess over those village officers to whom the Bill will apply when passed into law, and the steps which will probably have to be taken by the Government to bring the Act into force.

Chapters I and II comprise the first 16 sections of the Bill, and relate to preliminary matters and to the strength, appointment and control of village establishments. In the former Chapter, power is given to the Government, by Section 2, to extend the whole or any part of the Act to any estate it pleases and in respect of any, or of all,

of the village officers enumerated in the section. This is an elastic provision which enables the Government, practically, to treat every estate on its own merits, if there are good grounds for so doing. The number of village officers to whom the Bill may be extended has been reduced to three, for the reasons set out in the Select Committee's report, and power has been reserved to the Government to decide all doubts which may arise as to whether a village officer in any estate comes within any, and if so which, of the classes specified in the Bill. These are (1) Heads of villages, (2) Village accountants, and (3) Village watchmen or police officers. It was urged by Counsel before the Select Committee, on behalf of the Landholders' Association, that there are many villages in proprietary estates where there are no Heads of villages. If this is so it is wrong, as every village ought to have its own village Head even though it may not have its own Karnam and may be compelled to share the services of the latter officer with some other village. Indeed, the Counsel for the Association has himself stated in a memorandum which he submitted to the Select Committee that the village commune has all along been regarded "as an immutable unit in the social and political economy of the country" and in support of this proposition he reproduced the extract from the 5th report of the Select Committee of the House of Commons, which I quoted in my speech when introducing the Bill and which ends with these words:

"The inhabitants give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire they care not to what power it is transferred or to what sovereign it devolves; its internal economy remains unchanged, the Potail is still the head inhabitant and still acts as the petty judge and magistrate and collector or renter of the village."

This proves that every village commune must have a village Head to exist as such at all, and that, therefore, if there are any villages where, owing to the change of name of the officer who discharges the duty of collecting the public revenue, or, for any other cause, the functions of the village Head have fallen into desuetude, such a state of affairs must be rectified. The information furnished to me, however, does not at all bear out the assertion of the Counsel of the Association as to many villages having no village Heads, while there can be no doubt that from the date of the passing of Regulation IV of 1816, when the immemorially-existing office of Head of the village was first defined by statute as being the renter or collector of the revenue of the village, or, where there are two or more head inhabitants, then that head inhabitant who collects the revenue, there has always been a village Head in every village where revenue is collected by a head inhabitant whether he has been regularly appointed to the office or not. The Regulation, moreover, gives the Collector power, in cases of doubt as to which of two or more such head inhabitants is the person entitled to the office, to select one of them and appoint him thereto. I find that in my speech on this Bill, when introducing it into the Council, I stated inadvertently that the office of Head of the village was created by Regulation IV of 1816, but this was not quite correct. I should have said that the Regulation recognized and defined the office. It did not create it, for the very good reason that it had existed co-evally with the existence of the village communal system itself in Southern India and probably long before Zemindars were thought of. The Regulation took for granted the universal knowledge of this fact, and, recognising the existence of these offices in all villages, laid down a test for determining, in cases of doubt, who is the Head of the village and declared that he should be *ex-officio* the Village Munsif. The Regulation applied to the whole of the Madras Presidency and to all proprietary and ryotwari villages alike, until its repeal by the Village Courts Act in 1889, so that according to the law in force for upwards of 70 years, and to immemorial usage, there can be no village which yields any revenue

at all which has not got a village Head. The Zemindar may call the person who collects the public revenue in his estate by what name he pleases, whether Monegar, Potail or Reddi, but so long as he collects that revenue he is *ipso facto* the Village Head.

In Chapter II, Section 5 of the Bill throws on proprietors the legal obligation of sending to the District Collector, within three months of requisition from that officer, a register containing all such information relating to the village officers and servants in his estate as the Board of Revenue may prescribe. This is a very important document and its punctual submission may be enforced by the imposition of a penalty of Rs. 100 for neglect to send it in, and of a further penalty of Rs. 25 a day for every day during which such neglect may continue. This is a very needful provision, for on the correctness of the information in this register and on its punctual submission will depend, to a great extent, the means at the Collector's disposal for collecting the data necessary to enable him to submit punctually to the Board of Revenue those proposals on which the extension of the Act to any estate will have to be based. The two first matters the Collector will have to determine from this register are (1) the extent to which it may be practicable to group villages, so that by increasing the revenue to be collected by each Karnam there may be sufficient funds, in the event of the Village Service cess being introduced, to admit of the village officers being all sufficiently well paid, and (2) the number of each class of village officer which should be appointed to each village. These matters are provided for by sections 6 and 7, the latter of which also provides that the cost of grouping villages shall be charged to the Village Service Fund. Exception has been taken to this provision by some of the petitioners, but I do not think there is much force in the objection or that it is likely that the cost of grouping will be at all large. For it seems to me that there will be no necessity for any actual surveying or demarcating of boundaries and that all that needs to be done may be done on paper. The procedure will probably be something like the following: The Revenue officer in charge of the division in which any estate, to which the Act may have been extended, is situated, will take the topographical survey map of such estate, and, having ascertained the average area of the villages in the Government taluks in his charge, will block out the villages in the estate into groups of villages of about somewhat similar size, without altering any existing boundaries. He will then ascertain the revenues of the grouped villages and estimate the strength of the village establishment, of the three classes to which the Bill applies, necessary for each such village and the salaries the different officers should receive. There is no reason, that I can see, why doing this should necessitate any expenditure. In dividing villages, however, some small expenditure on demarcation may, possibly, sometimes be entailed, but it will not be large and if it has to be incurred it is, I think, a proper charge on the Village Service Fund.

Sections 9 to 16 contain the rules of procedure which are to govern the making of appointments to the offices to which the Bill relates. All appointments are to be made by the proprietors of estates within six weeks of the vacancy occurring in each case. Notice of the appointment is to be sent to the Revenue officer in charge of the division, who may disallow it if he considers the person appointed is disqualified for the post, and may call on the proprietor to make another appointment. If he approves the appointment, however, he merely records the notice and does not interfere in any way, unless a suit or complaint is filed before him in connection with the appointment. As pointed out by the Select Committee in their report, the cases in which the Divisional officer will be able to object to such an appointment will be,

practically, only those in which he may consider the person appointed to be mentally or physically unfit to discharge its duties; and such cases will be extremely rare.

Section 10 of the Bill makes it obligatory on the proprietor to appoint only persons who have passed the educational tests prescribed by the Board of Revenue, who are physically and mentally fit, are not females, and who have not been convicted of criminal offences disqualifying them for holding office, and it is not likely that a proprietor would send notice to a Divisional officer of the appointment of a person whom he knows to be legally disqualified. In the case of hereditary offices, moreover, the right of succession, according to the rule laid down in the same section, has to be taken into consideration by the proprietor, so that a good deal of care and discrimination must be exercised by him in making his appointments, and under the safeguards laid down in the Bill the officers appointed are not likely to be inefficient. If the proprietor neglects to make an appointment himself or if his first and second appointments are both disallowed, the Revenue officer in charge of the division may make the appointment himself. An appeal will lie by the proprietor either to the District Collector against an order of the Divisional officer, or to the Revenue Board against an order of the District Collector himself, disallowing an appointment made by the proprietor.

Sections 12, 13, 14 and 15 contain the procedure to be followed in filling up vacancies in village offices in certain special cases, namely:

(1) Where the incumbent of an office has been dismissed or suspended under circumstances which make it expedient that during his lifetime or suspension no member of his family should hold the office.—In such a case the proprietor may appoint any person who is not a member of the said family and who is duly qualified under section 10, subject to the approval of the Revenue officer in charge of the division.

(2) Where the heir to an hereditary office is a minor.—In such a case the proprietor must submit the name of the heir to the Revenue officer in charge of the division for registration and at the same time appoint some duly-qualified person to discharge the duties till the minor attains his majority and for three years afterwards if the minor has not qualified to hold the office within that time.

(3) Where a suspended or dismissed officer, or a minor registered as the heir to an office, dies, or the minor is finally found disqualified.—In such cases the proprietor is to fill up the vacancy within six weeks as provided in section 10 for all other cases of vacancy.

(4) Where villages have been grouped or amalmagated and in the process a number of officers have been thrown out of employ.—In such cases the appointments in the new villages are to be considered newly created, and the proprietor, in appointing persons to them, is to be bound to select those whom he may consider the best qualified of those who have been thrown out of employment.

In all these cases also, if the proprietor neglects to exercise his right of appointment within the specified time, the Revenue officer in charge of the division may make the appointment himself. Power is also taken under section 15 to enable the District Collector to direct a reduction in the number of village officers of any class in a village if he thinks they are too numerous, and the proprietor is bound to retain those he may consider best qualified and to dispense with the services of the others.

Section 16 defines the respective powers of the proprietor and the Revenue officer in charge of the division in the matter of punishing village officers. The proprietor can fine any of the village officers to whom the Act is extended to the extent of

three rupees, or, if he does not think that punishment sufficient, he may complain to the Divisional officer, who can take cognizance of such complaint, or of a complaint by any of the ryots of the proprietor, and punish the officer complained against by further fine or by suspension or dismissal. The Divisional officer may also, of his own motion, if he considers the village officer's conduct to merit punishment, exercise any of the above powers. The section provides for a record of the reasons for any decision passed under this section being made and for an appeal to the Revenue officer in charge of the division against a proprietor's decision, to the District Collector against that of the Divisional officer, and to the Board of Revenue against the District Collector's. The decision of the District Collector or of the Revenue Board, on appeal, is to be final except in the case of an order of the Divisional officer dismissing a village officer, when a second appeal to the Board against the decision of the District Collector upholding the sentence of dismissal is provided for. The Madras Landholders' Association, in the memorandum attached to their petition, argue that because Regulation VI of 1831 has admittedly become, to all intents and purposes, inoperative in zemindaris and has thus resulted in Zemindars usurping powers over their servants not contemplated by the Regulation, yet as this has done good rather than harm, the arrangement should be continued by simply repealing the Regulation. But the petitioners overlook the fact that one of the main objects of Regulation VI of 1831 was to maintain the efficiency of the hereditary village and other officers in the Revenue and Police departments, to which the Regulation relates, by making them, as the preamble sets out, more immediately subject to the authority and control of the collectors of revenue, and one of the main reasons for the existence of this Bill is that the village officers in zemindaris and other proprietary estates are not efficient, because the control over them contemplated by the Regulation has not been sufficiently secured and exercised. Except in respect of Karnams in zemindaris, Regulation VI of 1831 applies to the whole Presidency and to all classes of village servants alike whose offices are hereditary and endowed by the State. It has been urged in the petition from the three Zemindars of Venkatagiri, Kálahastri and Karvetnagar that Regulation VI of 1831 did not and could not apply to their zemindaris, and they quote a judgment of the District Court of North Arcot in 1881, which on second appeal was confirmed by the High Court, in support of that view. But I cannot find that the Judge said anything of the kind. He merely held that Regulation VI of 1831 did not apply to that particular suit, because the defendant had failed to prove when the office of Monegar, to which he laid claim, was established; and the High Court upheld the decision, as there was no proof that the inam, which was the subject-matter of the suit, was at any time assigned by Government for the support of such office. Moreover, Regulation VI of 1831 contains nothing exempting those three zemindaris from its purview, and therefore it must be held to be, and to have been from the date of its being passed, in force in those estates. The powers given to Collectors may not have been actually exercised in them, but that is a state of affairs which it is intended to change by the Bill.

Chapters 3 and 4 of the Bill, including sections 17 to 30, relate to the Village Service cess and the Village Service fund. These matters are quite distinct from that to which Chapter 2 relates, so that it is quite practicable for the Government, if it pleases, to put Chapter 2 in force in all the estates in the Presidency without taking any action in respect of Chapters 3 and 4.

Sections 17 and 18 empower the Government to enfranchise all the Village Service inams, in proprietary estates, which were granted or continued by the State as remuneration for the offices to which they are annexed, even though, at the time of

the Act coming into force, they may not be devoted to the purpose for which they were originally granted, and impose on the proprietor of the estate in which they are situated the duty of collecting and paying to Government the quit-rents imposed on such inams after enfranchisement. Section 19 empowers the Government to direct the levy, from such date as it may notify, of a cess at a maximum rate not exceeding 10 pies in the rupee on the annual rent-value of all occupied land in all estates in any district. The cess is to be imposed at such a rate, within the maximum, as will produce an amount, which together with the other assets of the Village Service fund will suffice to meet the cost of all village establishments brought within the scope of the Act and of all charges connected with the discharge of these duties, or with the administration of the Proprietary Estates' Village Service Fund, and of all proceedings connected with the clubbing of villages, within the district in which the estates may be situated.

Sections 20 to 26 are very much the same in substance as sections 64 to 76 of the Madras Local Boards Act. They prescribe the manner in which the annual rent-value of estates shall be estimated; impose on the proprietor of every estate the obligation of furnishing an accurate list of all the occupied lands therein, to the Revenue officer of the division, within three months of being called on to do so; enable the Divisional officer to fix the rent-value of the estate himself if the proprietor fails to submit the list required by section 20, and also to assess the cess on such rent-value; and compel the proprietor to levy the cess due in respect of his estate and pay it to Government. The same privileges are accorded to a Zemindar under these sections, as under the Local Boards Act, of being granted a remission of half the cess on so much of the whole annual rent-value of his estate as is equal to the peshkash payable by him to Government and of being allowed to recover from his tenants half the amount of the cess due on the whole rent-value of the estate, but an additional advantage is also conceded to him by this Bill, in that all arrears of cess recoverable by him from his tenants are to be treated as a first charge on the lands in respect of which they may be due.

Section 27 confers power on the Government, after it has notified that the cess is to be levied in any estate, to levy from the proprietor such annual payment as is equivalent to any reduction which may have been made, at the time of fixing the permanent assessment on such estate, in such assessment, in order to provide for the payment of the village officers in the estate, where the duty of paying them was thrown on such proprietor in consideration of such reduction being made, or as is equivalent to the difference between the sum now paid by a proprietor and what he would have had to pay if the calculation of the assets of his estate had not been reduced for the same purpose and to the same extent at the time of the permanent settlement. In both such cases, if the proprietor is called on to make the additional payment, he will be relieved from all liability to pay the village servants. The power taken is a perfectly fair and equitable one. The Government merely modifies an arrangement which threw on the proprietor a liability and gave him funds with which to discharge himself of it, by saying that they will now do the work themselves and the proprietor must pay to Government the assignment made to him for the purpose. Such cases, however, it is believed, are very few in this Presidency. The Landholders' Association seized on the original wording of the section in the Bill, as first amended by the Select Committee, to complain that the words giving power to the Government to "add to the permanent assessment" of an estate any sum was a breach of the covenants contained in the sanads issued to Zemindars. The wording

has now been altered, and as the section contains a provision for reducing the permanent assessment of an estate where the cost of maintaining any office to which the Bill applies was included in the assets of such estate at the time of the permanent settlement, in consideration of the imposition of the cess, there does not seem to be any longer ground for complaint. The last clause of the section contains a very important proviso enabling a proprietor, or his tenant, to apply to the Collector for the raising or reduction of the rent on such tenant's holding, in all cases where such rent was fixed at a lower or higher figure than it otherwise would have been in consideration of the tenant or landlord respectively undertaking to bear the whole or part of the cost of the village establishments in the village, as such arrangement is at once disturbed by the imposition of the cess and its levy equally between such landlord and tenant. In such cases the Collector is empowered to sanction such increase or reduction of rent to the amount at which it would have been fixed had no such agreement been entered into.

Chapter IV relates to the constitution of the Village Service fund and the payment of the salaries of the village servants therefrom. It provides for the fund being credited with the proceeds of all inams which have been enfranchised, of the cess, of all payments made (under section 27) along with the permanent assessment by proprietors, and of all fines and penalties imposed under the Act. It provides that the village servants shall be paid from such fund the salaries fixed by the Board of Revenue by rules under section 32 and makes it illegal, under a penalty, to continue to demand the customary fees and contributions which are to be replaced by the salaries paid from the fund.

Chapter V contains a penalties clause and a section empowering the Board of Revenue to make rules, with the approval of Government and after previous publication, for all the numerous matters connected with the working of the Act, of which two of the principal ones are the method of dividing, grouping and amalgamating villages, and the definition of the duties of the village officers as well as the descriptions and forms of accounts and registers to be kept by them. Under section 7 of the Madras General Clauses Act the draft rules will have to be first published so as to afford an opportunity to the public to criticise them before they are passed. The last section of the Bill bars the jurisdiction of the Civil Courts in certain cases, but leaves it open to a proprietor to recover by Civil suit any sum recoverable by him from a tenant in respect of quit-rent on an inam or village service cess.

Such is a brief outline of the Bill. Although Regulation VI of 1831 gave Collectors immediate authority and control over all village servants in proprietary estates, other than the village accountant in zemindaris, to whose offices State emoluments were attached, the power conferred was so general and undefined that it gradually fell greatly into desuetude and was usurped by the Zemindars and other proprietors, who had no legal authority over any such servants, except the karnam and over him only to the extent of appointing him in accordance with the rules laid down by Regulation XXIX of 1802. The Bill as revised, it is true, is only applicable to three classes of village officers, but those are the most important ones whose duties are essentially of a public character. In respect of these, the proprietor is given much greater power than he legally had before, as I have already shown, while the Collector will have his hands greatly strengthened by the rules which the Board of Revenue will issue under section 32. These rules will, of course, only lay down the duties of the village officers as public officers. But they will have another very important effect by greatly improving the efficiency of these village officers. This increased efficiency will be

gradually secured by the necessity that will exist for all newly-appointed karnams and heads of villages to qualify themselves for their appointments by passing the educational tests prescribed for those offices by the Board of Revenue. This will compel the former officers to master the elements of scientific surveying precisely as all karnams in Government villages are now doing, while the latter will, doubtless, have to master so much of the Village Officer's Manual as prescribes the public duties of heads of villages and is otherwise applicable to proprietary estates. It is to be hoped that the Government will be able to extend to all such estates the same facilities for instructing the karnams in surveying as are now being afforded to the same class of officers in Government villages. During the last five months, all the karnams in four of the southern districts of the Presidency have been taught surveying by means of classes formed by Government under a Survey officer, and not only have all of them gladly availed themselves of the opportunity, but I have been informed by the Superintendent of Revenue Survey that numbers of the members of the families of karnams were anxious to be taught also. As a class, therefore, it is clear that the karnams fully appreciate the advantages of a knowledge of the elements of surveying, and I understand that the Survey Department expect to have all the karnams in all the districts duly qualified within another year or two. The karnams of permanently-settled estates must follow suit, and will, no doubt, do so just as readily as those of the Government villages. The Superintendent of Revenue Survey has informed me that he considers that he could teach the whole of the karnams in the largest zemindari in the Presidency, on the plan now in vogue, within two or three months. The advantages to the owners of estates from having fairly well educated karnams are obvious and well worth paying for. They would be able to have their villages surveyed with tolerable accuracy by degrees, and with survey maps would be able to check encroachments by their tenants in a way they cannot do now, while their public accounts would be better kept under the supervision of Government officers; and when the new Tenancy Bill (which the Government hope shortly to introduce into the Council) is passed into law, the relations which will subsist between landlords and their tenants through the agency of efficient village officers with accurate accounts and survey maps will be such as are at present often unknown, because they will be based on a mutual knowledge of, and respect for, each other's rights, which will lead to a great diminution, or perhaps, sometimes, to a total cessation, of litigation, to the great advantage of both parties.

It is hardly necessary for me to say that the Government is, ultimately, as much responsible for the welfare and happiness of the population of the permanently-settled estates in the Presidency as for that of the inhabitants of ryotwari villages, and as these estates occupy between one-third and one-fourth of the entire area of the Presidency, that responsibility is a very heavy one. It can only be discharged by the Government being kept thoroughly in touch with the masses of the village population of the estates and by their receiving regular and precise information on all matters concerning their comfort and well-being and what is going on among them. This can only be effected by means of efficient establishments of village officers. It is in times of emergency, such as famine, that the want of such information and the absence of efficient establishments in proprietary villages, who are in touch with the officers of Government, is most felt, and no one has probably had more recent and practical experience of this than your Lordship while on your protracted tours during the distress of last year. It is not too much to say that the village commune, with its establishment of village officers, is the corner-stone and type of the district administration. What the village headman is to the village the Collector and Magistrate

is to the district. The village officers are thoroughly in touch with the villagers of their villages, are looked up to by them and are capable of controlling them as no one else can, and there can be little or no question that the best way of administering the country generally is by enforcing village responsibility and thus enabling the people to control each other, or, where they cannot do this, by compelling them to inform the authorities and enable them to do so. The Government has long ago established civil and criminal courts throughout all parts of the Province, including the permanently-settled estates, and it has a general police force which is intended to repress crime as promptly in zemindari as in Government villages, but the links between the police and the people of such estates are the village establishments, which, during a long course of years, have ceased to be properly controlled by the district officials, and it is to repair and restore the strength of these links that the present Bill has been introduced into the Council. The police are not generally beloved throughout the Province, and unless they are given correct information and ready assistance by the various bodies of village officers when brought thoroughly under control, their efforts to suppress or discover crime must be often unsuccessful or even hopeless. In every Government village there is an establishment consisting of at least a village head who is a police officer and kind of petty magistrate, and is also *ex-officio* the village munsif; a karnam or village accountant, and a village policeman or taliari; and establishments of this kind exist in most zemindari villages at any rate in name, though they are not as properly controlled or as efficient as they should be, and the object of Government is to establish at least an establishment of this character in every village of every permanently-settled estate and to bring them into harmonious and efficient co-operation with the adjoining Government Taluk administration by means of the Bill.

How the Bill is to be brought into force when it has been passed into law is, of course, a matter for the Government to consider and determine, but it may not be out of place on the present occasion if I express my views on the point. It seems to me that the Government will probably first extend the provisions of Chapters I, II and V to all estates in the Presidency by notification under section 2. The result will be that sections 8 to 14 and 16 of the Act will at once come into force in respect of existing village officers of the kinds to which the Act applies. At the same time, the Board of Revenue would have to draw up the rules required under section 32 for guiding Collectors in working the Act and direct them to call on proprietors, under section 5, to submit the registers therein provided for. On receipt of these, Collectors would require to be ordered to send in proposals for grouping villages and for revising the village establishments in each estate according to the standards laid down by the Board itself in its rules. These standards would probably be drawn up somewhat on the lines of the schemes which have been adopted in revising village establishments in Government villages. The Government would also probably issue orders, at the same time, laying down the principles on which the village service inams, attached to village offices in estates, should be enfranchised under section 17 of the Bill. Their enfranchisement would take a considerable time to carry out, as it would involve much inquiry in some districts and would probably even entail the employment of some special officers for the work, which is the most important matter connected with the introduction of the Act in its entirety, for, until it is completed, it will be impossible to say what assets will be available for paying the village servants in the various villages of each estate, and consequently how much must be raised by the cess, and it would only be after that information is available that the schemes of Collectors for grouping villages and introducing the new establishments could be finally revised

and disposed of by the Board. These schemes being ready for any estate and the enfranchisement title-deeds being also ready for delivery, the Government would be in a position to issue the notification under section 19 imposing the cess and declaring at what rate it should be levied in such estate, and Chapters III and IV might then be declared to be in force therein. The cess would thenceforward become payable, the villages would be grouped and the village establishments placed on their new footing. As the cess is to be uniform in each district, the Government would probably defer the issue of the notification in respect of each district till all the estates in it were ready to have the cess imposed in them.

I have endeavoured to frame a rough estimate from such data as I have been able to procure of the probable maximum cost of introducing the Act into all estates in the Presidency and of the maximum additional taxation which may possibly have to be levied from proprietors of estates, and will now give briefly the results of my calculations.

The total area of the Presidency, according to the recent census, is 122,022 square miles, exclusive of Feudatory States and the Agency tracts; and if we exclude from this area that of the 4 districts of Malabar, South Canara, Nilgiris and Madras (which are all special or peculiar and to which the Act will probably not be extended) the net result is an area of 111,549 square miles, occupied by ryotwari, zemindari and shrotriem or whole-inam villages.

From information kindly furnished me by the Superintendent of Revenue Survey I find that of this area 27,148 square miles are occupied by 1,352 zemindari estates and 4,143 square miles by 2,783 shrotriem or whole-inam villages outside zemindaris, leaving 80,258 square miles for 23,292 ryotwari villages. This gives an average area of about 3·4 square miles per ryotwari, and about 1·5 square miles per whole-inam village. Now, in the above zemindari area are included about 3,885 shrotriem villages, which, at the above average of 1½ square miles each, would occupy 5,827 square miles (omitting a fraction), and if this area is deducted from the above zemindari area of 27,148 square miles there remain only 21,321 square miles of zemindari proper in 18 districts. Dividing this area by the average area of a ryotwari village, as above calculated, we get 6,270 zemindari villages of 3·4 square miles each, and if the zemindari villages are clubbed so to approximate to that average, whatever their actual number may now be, we may calculate on at least that number as requiring to be considered in the scheme of revised village establishments. The single shrotriem villages cannot easily be clubbed except where two or more adjacent villages belong to the same shrotriemdar; but for the sake of making an estimate, I will assume that the whole of the 6,668 shrotriem villages may be clubbed into 5,500. The problem then is—What will it cost to pay village establishments for 6,270 zemindari and 5,500 shrotriem villages? I consider the highest pay that could be given for a zemindari or clubbed-shrotriem village establishment would be Rs. 5 for the karnam, Rs. 4 for the village head and munsif, and Rs. 3½ for the taliari, or Rs. 12½ a month in all, which is Rs. 150 per annum. The average cost of such an establishment in all the Government villages in the Presidency is Rs. 184 a year, so that Rs. 150 seems moderate for proprietary estates. For the small single shrotriem villages a triune officer, combining in himself the offices of karnam, village head and munsif, on Rs. 6, as well as a taliari on Rs. 3, might possibly suffice, and would cost Rs. 9 a month or Rs. 108 per annum. The total cost would then work out as follows :—

			RS.
For 6,270 zemindari villages at Rs. 150	..	=	9,40,500
„ 1,368 clubbed-shrotriem villages at Rs. 150.		=	2,05,200
„ 4,132 single shrotriem villages at Rs. 108 ..		=	4,46,256
11,770			15,91,956
	Contingencies	..	1,08,044
	Total	..	17,00,000

This I estimate to be the maximum cost, likely to be incurred, of all the village etablishments in permanently-settled estates, who would get salaries under the Act, though it does not necessarily follow that that maximum cost would be incurred. To meet that cost there would be (1) the cess at the maximum rate, which might be taken to yield about five-sixths of the amount of the payments now made as road-cess at one anna in the rupee, viz., about Rs. 10,25,000; (2) the proceeds of the assessment of enfranchised inam lands, which I estimate at about Rs. 7,00,000; and (3) possibly 1 lakh from reimposed deductions from beriz or peshkash. All these together might yield a total of about $18\frac{1}{4}$ lakhs. But experience will alone show how far the above estimate of assets is correct in its details, and that experience can only be gradually acquired after the Act is put into force. Moreover, until that experience has been acquired, it will be impossible to say how far the above estimate must be reduced, and, of course, if it has to be greatly reduced, the salaries of the village officers will have to be reduced proportionately.

I cannot say what is the actual present cost of all existing establishments of village heads, karnams and taliaries in all estates, but I should think it cannot be far short of three-fourths of the above estimate, or, speaking roughly, about $12\frac{3}{4}$ lakhs of rupees, if the value of the produce of all the inams and of all the fees is commuted into money and added to such cash payments as are now made. At any rate, the measure of additional taxation on the proprietors and their tenants will be the difference between the above value and the actual cost of the scheme, whatever it may be, since on the introduction of the cess all the other payments will cease and the inams granted by the proprietors will be resumed. This difference I estimate at not more than $4\frac{1}{4}$ lakhs—a sum which would be yielded by a cess of about 4 pies in the rupee on the rent-value of estates, although, wherever it may be found necessary to introduce the cess, it will probably have to be imposed at the full rate of 10 pies in the rupee of rent-value.

I now come to the consideration of the main points in the petitions of the Madras Landholders' Association and of the three Zemindars of Venkatagiri, Kálahasti and Karvetnagar. These are—

(1) That the levy of the village service cess is a direct violation of the terms of the sanad of permanent settlement.

(2) That the enfranchisement of the village service inams in favour of the village servants, contemplated by the Bill, is unjust, and that the inams must be presumed to have been granted by the ancestors of the memorialists, and that, on enfranchisement, the lands ought to be made over to them.

The latter plea is more particularly advanced by the three Zemindars.

As regards the first point, although it is rather late in the day for Zemindars, who have paid road-cess in addition to their revenue assessments for nearly 30 years,

to challenge the right of Government to impose a local rate by a law, I nevertheless deem it expedient to reply to the objection because there still seems to be an impression prevalent that the rate cannot be imposed without breach of faith on the part of Government. I will accordingly give briefly the grounds on which the objection is invalid.

The Madras Regulations of 1802 are based on the Bengal Regulations of 1793, and Regulation XXV of 1802, which is the Permanent Settlement Regulation of Madras, was based on Bengal Regulation I of 1793, which is the Permanent Settlement Regulation of that Province, and contains these words in section 8, Art. VII :—

"It being the duty of the ruling power to protect all classes of people and more particularly those who from their situation are most helpless, the Governor-General in Council will, whenever he may deem it proper, enact such regulations as he may think necessary for the protection and welfare of the dependent talukdars, raiyats and other cultivators of the soil, and no zemindar, independent talukdar or other actual proprietor of land shall be entitled on this account to make any objection to the discharge of the fixed assessment which they may respectively have agreed to pay."

These words were not embodied in Madras Regulation XXV of 1802, but the spirit of them was embodied in the thirteenth clause of the Sanad-i-Milkiat Istimrar, which was issued after the passing of Regulation XXV of 1802 to the Madras Zemindars. The clause runs thus :—

"The foregoing conditions contain an abstract of the obligations and duties which you shall incur and of the rights which you have acquired under the new constitution enacted for the security, protection and prosperity of the subjects of the British Government; but for the enlargement of that constitution, and for the improvement of the condition of the people, the Governor in Council will continue from time to time to enact such regulations as experience may suggest or the progress of human affairs render necessary."

It is clear from these extracts that the Madras Zemindars can claim no exemption from liability to local rating quite irrespective of the amount of their land assessments. The point was raised in Bengal, in 1870, in connection with the rating of Zemindars to road-cess, and the Secretary of State settled the question in a despatch to the Government of India, dated 10th May 1870, in these words :—

"In view therefore of these facts and considerations Her Majesty's Government have now to intimate to your Excellency the conclusion to which they have come, after a careful consideration of a controversy which has now been going on for a long course of years. This conclusion is that rating or local expenditure is to be regarded—as it has hitherto been regarded in all the Provinces of the Empire—as taxation separate and distinct from the ordinary land revenues; that the levying of such rates upon the holders of land, irrespective of the amount of their land assessment, involves no breach of faith on the part of the Government, whether as regards the holders of permanent or of temporary tenures; and that when such rates are levied at all, they ought, so far as may be possible, to be levied equally, without distinction and without exemption, upon all the holders of property accessible to the rate."

That seems to me, my Lord, to be conclusive on the first point.

With regard to the second point, it is one which is to some extent based on a rather exaggerated idea of the status of the ancestors of the three memorialists and still more so on a decision of the Civil Court of Chittoor in Appeal Suit No. 74 of 1881, already referred to, which appears to me of doubtful soundness on the point on which the memorialists now rely.

It would be a waste of time to speculate on the status of the ancestors of the three memorialists several hundreds of years ago, or on what might have happened if the Mussulman conquest of the Carnatic had not taken place. It did take place,

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however, and one of its results was that all the Poligars of the Carnatic, including the three Zemindars above specified, were feudal tributaries of the Nawab of the Carnatic in 1792, when he entered into a treaty with the East India Company by which the Company undertook to provide for the military defence of the Carnatic, in which term were included nearly the whole of the Eastern districts in the present Presidency of Madras from Nellore to Tinnevelly. In Article 6 of the treaty it was thus stipulated :—

"The said Company, desirous of preserving the rights of sovereignty over the said Poligars" (that is, the Poligars alluded to in the preceding article of the treaty and specified in the first schedule attached thereto) "to the said Nawab, engage to the utmost of their power and consistent with the realization of the tributes or peshkash from them, to enforce the allegiance and submission of the Poligars to the said Nawab in customary ceremonies and in furnishing the Poligar peons, according to the established custom, for the collection of the revenues, the support of Government and for the protection of the property of the inhabitants of the said Nawab's country, &c."

This arrangement continued for nearly 10 years, when, in 1801, a new treaty was entered into between the Company and the Nawab, by which the sole and exclusive administration of the Civil and Military Governments of all the territories and dependencies of the Carnatic Payinghat were for ever vested in the East India Company and it was agreed in the words of Article 4 of the treaty that—

"The said Company shall accordingly possess the sole power and authority of constituting and appointing, without any interference on the part of the said Nawab, all officers for the collection of the revenues, &c."

Now it is clear from the first extract I have read that the position of the Carnatic Poligars, specified in the schedule to the treaty of 1792, was one of complete subordination and submission to the Nawab of the Carnatic, and in that schedule three of the first four names are those of the Poligars of Venkatagiri, Kálahastri and Karvetnagar; while the second extract proves that the absolute control over all the revenue servants in Poligar estates, and presumably, therefore, the right of providing for their remuneration by grants of inams or otherwise, was originally conferred on the British Government by treaty. I do not for a moment mean to suggest that those Poligars were not gentlemen of ancient lineage, for no doubt they were so, but what I wish to show is that they were far from being even semi-independent rulers when they passed under the sway of the East India Company. Again, I find in the Nellore District Manual, at pages 490 and 491, a description of the Poligar (or Kavalgar as he is there also called) of the Nellore district (where the Venkatagiri estate is situated) at the beginning of the century, which shows he was a kind of warden over a large tract of country, who performed the duty of Deshakaval, or watch and ward, therein, was liable to furnish a contingent of men for military service when called upon and also to pay peshkash, while the biggest of them, like Venkatagiri, collected the revenues and paid peshkash direct to the Nawab. The establishments maintained by them were composed of Kattubadi and Kavali peons, and police duties were imposed on both classes. These men, for the most part, were armed, though they were really only armed police or an undisciplined militia, and in 1802, at the introduction of the permanent settlement, Lord Clive wrote a letter to the Venkatagiri Poligar and relieved him of the duty of keeping up the force of about 10,000 men whom he maintained and fixed the peshkash of his zemindari at about 1,11,000 pagodas, of which about 89,000, or about four-fifths, was stated to be as the equivalent "for military service," and the rest on account of established peshkash. Seeing, however, that the East India Company was bound by treaty to provide troops for the military

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protection of the Nellore district as well as of the rest of the Carnatic, the expression "for military service," with respect to the peons of Venkatagiri, was a polite euphemism. That they were really only armed police and that the Poligars themselves were regarded merely as officers of police is clear from the 406th paragraph of a Proceedings of the Board of Revenue in September 1799, in connection with the introduction of the permanent settlement, where, alluding to the method of dealing with these three very Zemindars, the Board remark regarding them:

"They can be regarded in no other light than police officers, and the right of Government to alter or abolish any of its institutions which become burthensome is irrefragable."

The claim of the memorialists to the reversionary right in the lands constituting the inams of village offices in their estates, on the ground of their having been granted by their ancestors is untenable. The power to make such grants vests in the Government, and at the time of the permanent settlement the power of making such grants and the reversionary right in all such inams belonged to the East India Company.

The other ground on which the claim is based is incidentally referred to by the memorialists, who allude to the judgment of the Chittoor Civil Court, in the appeal suit already mentioned, as strongly supporting their case. In that suit the point for decision was whether the defendant had, or had not, proved his right to certain lands as having been enjoyed in his family, from the time of the permanent settlement, as a State inam. The District Court on appeal held he had not proved his case and therefore decreed that the Zemindar could dismiss him and resume the inam. On second appeal to the High Court, that court upheld the judgment so far as the finding of fact was concerned, but pointed out one error into which the Judge had fallen in stating that Regulation IV of 1816 was inapplicable to zemindari estates. They did not notice, however, certain other errors in the judgment, and it is on these that the memorialists now rest their case. At paragraphs 14 and 15 of his judgment the Judge remarked as follows:—

"14. But in the case of this zemindari of Karvetnagar as of that of Venkatagiri, Kalahasti and Sydapur, the sanad granted to those zemindaris shows that Government did not avail itself to the full of the powers of reservation granted to it by the above regulation, as I showed in my judgment in Appeal Suits Nos. 147 to 158 of 1882, which was upheld on special appeal by the High Court. Special exceptions were made in this respect in the case of the above four zemindaris, and as in that case I showed that the moturpha tax levied in this zemindari was included in the assets of the zemindari on which the permanent assessment was fixed, so likewise in the case of lakhiraj lands in this zemindari the sanad shows that Government did not reserve to itself the right to deal with those lands and that they were included in the assets on which the permanent assessment was fixed.

"15. Paragraph 5 of the sanad runs thus: 'The permanent demand fixed by this sanad on your zemindari is exclusive of the revenue derived from the manufacture and sale of salt and saltpetre, exclusive of the sayer or duties of every description, the entire administration of which the Government reserves to itself, exclusive of the tax on the sale of spirituous liquors and intoxicating drugs, exclusive of all lands and russooms heretofore appropriated to the support of the Police establishments.' Not a word is said about lakhiraj lands, which, as a matter of fact, were included in the assets on which the permanent assessment of this zemindari was settled, so that in this zemindari certainly even if these so-called maniem lands were lakhiraj lands at the time of the permanent assessment (a point on which the defendant adduces no evidence) still as they were included in the assets on which the assessment was settled, the zemindar has the right to resume them free of Government interference."

I have already shown how in the cases of these three zemindaris the permanent settlement was not made on their assets, and the Zemindars themselves have in their

petitions dwelt strongly on this point, so that the Judge seems to have been mistaken in asserting that the lakhiraj lands in them were included in such assets. But if the learned Judge had only compared the dates of the sanads with the date on which Regulation XXV of 1802 became law, he would have seen that the four sanads he alluded to all bear one date, namely, August 24th, 1802, whereas the Regulation became law on the 13th July, 1802, or more than a month previously. He must, however, I imagine, have seen that the last words of section 4 of the Regulation are—

"The permanent assessment of the land-tax *shall be made* exclusively of the said articles now recited."

One of these is—

"Lakhiraj lands (or lands exempt from the payment of public revenue) and of all other lands paying only favorable quit-rents."

Now, had the sanads been issued prior to the passing of Regulation XXV of 1802, the Zemindars might not have been bound by its provisions, but they were issued subsequent to it, and the Zemindars therefore were and are bound by terms of the Regulation, and the omission of all reference to lakhiraj lands in the sanads does not in any way prove, as the Judge decided, that the Government declined to avail itself of the full powers of reservation granted to it by the Regulation. It merely proves that by oversight the Government omitted to insert in these sanads the whole of the provisions which they apparently intended to insert in them. It is impossible to suppose that the Government deliberately omitted the reference to lakhiraj lands because such action would have been in direct defiance of the law. But the omission does not in any way affect the rights of the State which were effectually safeguarded by the law. The whole of clause 5 of the sanad and, indeed, of all those clauses in any sanad which are taken from Regulation XXV of 1802, are mere surplusage, and the position of Government and the Zemindar would be precisely the same if they had not been mentioned in the sanad at all. No doubt they were inserted in them for the sake of easy reference by the Zemindars and it is to be regretted that in these 4 sanads, which were apparently the first issued, such an omission should have occurred. It seems to have misled the Provincial Court of Nellore in 1818, which then decided (in Original Suit No. 13 of that year) that because the Government had specially omitted to make any mention of its exercise of the right of resuming lakhiraj lands the Collector could not resume the 2 lakhiraj villages in the Venkatagiri Estate which were the subject of that suit. The Revenue Board and the Government of the day both accepted the judgment as sound, but it is, I think, probable that the inquiries which will have to be conducted under this Bill, when it becomes law, will show that many inams belonging to the State have been erroneously resumed by these three Zemindars by virtue of this judgment of the Provincial Court. That, however, is a matter for the executive Government to consider and to deal with when the facts are fully before them. This Council is not a judicial tribunal but, as the point which I have discussed was raised by the petitioners, I thought it right to deal with it somewhat fully and to show what I believe to be the true position of affairs, as being likely to facilitate the working of the Act and to avoid future misapprehensions. The view above put forward as to the effect of section 4 of the Regulation and the omission to reserve expressly the right of Government in *lakhiraj* lands, and other lands paying only favorable quit-rents, is strongly supported by the Full Bench decision of the Madras High Court in what is generally known as the Mohturfa case, reported in I.L.R. 9, Madras series, page 15. This case occurred in the Karvetnagar Zemindari which is one of the zemindaris above referred to.

I will now notice the objections to the Bill taken by the Hon'ble Mr. Rangayya Nayadu in his minute.

The first is that it is unjust that, in answer to the complaint of the proprietors that they do not possess sufficient control over their karnams, the Bill should take away a good deal of the powers they now possess or exercise, presumably over all their other servants, and he instances that, under the existing law, the proprietors have power to dismiss a karnam. But here the Hon'ble Member is labouring under a complete misapprehension. Under Regulation VI of 1831, as I have already pointed out, the immediate control of all village officers to whose offices emoluments are annexed by the State, whether in proprietary estates or Government villages, vests in the Revenue officers of Government except in the case of the karnam in zemindaris, who must be appointed by the Zemindar, but can only be dismissed by the District Judge. Moreover, the High Court has ruled in S.A., No. 291 of 1882, reported at pages 128 *et seq.* of Volume VII of the Indian Law Reports (Madras series) that Regulation XXV of 1802 only applies to Zemindars holding under Sanads-i-Milkiat Istimrar, so that it is only such Zemindars who have any authority to appoint karnams, and in the case of all other proprietary estates the karnams are as much under the authority of the Collector as the other village servants. I am at a loss to conceive what basis the Hon'ble Member has for the statement he has made, for the only words in Regulation XXV of 1802 which, by any construction, can be twisted into meaning that a Zemindar may dismiss a karnam are in clause 3 of section 11 of that Regulation, where it is laid down—

"but where a Zemindar may deprive a karnam of his office without regular process, the Zemindar shall be liable to make such satisfaction for the injury as the Adalat of the Zillah may decree."

But if this is the basis of the Hon'ble Member's argument, it is very much like saying that a man may commit murder because the law provides that whoever commits murder shall be hanged or transported for life. Such an argument hardly needs refutation.

The Hon'ble Member suggests that the plenary control of all village offices shall be vested in proprietors, subject to appeal to the Collector. I cannot entertain the suggestion for a moment. One of the objects of the present Bill is to give more legal power to the proprietor over the village officers in his estate than he had before, but, at the same time, to give the Revenue officers of Government more definite powers of appointment and control than they possess under Regulation VI of 1831; and this the Bill does. The Hon'ble Member complains that the proprietor is placed "at every step at the mercy of the Divisional officer," because he cannot fine a village officer without having to send a copy of the order to the Divisional officer, and because he cannot remove or suspend a village officer though that officer is maintained at the cost of the estate; while the Divisional officer can do all this without consulting the proprietor. But the Hon'ble Member seems to overlook the fact that, under the present law, a Zemindar's power of appointing a karnam is very limited, inasmuch as he is bound to appoint the heir of the preceding karnam, except in cases of incapacity, which must be proved before the District Judge, and then only can the Zemindar appoint whom he pleases; while as regards other kinds of proprietors, they have no power to appoint karnams at all. Moreover, as regards the punishment of village officers, no proprietor of any kind has any legal power to punish a village officer at all. The Bill, however, gives all of them power to do all the appointing, subject to certain rules, with power to fine up to a small extent and further

power to get an officer dismissed on complaint, for good reason shown, and after a fair inquiry by the Divisional officer. It seems to me, therefore, rather an abuse of language to call this procedure placing the proprietor at every step at the mercy of the Divisional officer. Is the Hon'ble Member aware that since the passing of Regulation XXIX of 1802, proprietors have been legally bound to report all vacancies in the office of karnam to the Collector within a month; to nominate a proper person, within 30 days, to fill the vacancy; and to acquaint the Collector with his name? After living for 90 years and more under this law, it is somewhat unreasonable for the Hon'ble Member or proprietors to complain that the imposition of cognate liabilities under the Bill places them at the mercy of the Divisional officer. I need hardly inform the Council that the present Bill is based to some extent on the provision of the old Regulation in this respect, though it may possibly surprise the Hon'ble Member to learn the fact. So also as regards fines for not submitting reports and returns, the Bill follows the example of the Regulation of 1802, which rendered proprietors liable to fine for not appointing karnams. They must therefore be thoroughly accustomed to live under such a law, which is a very necessary one. As to the village servants being maintained at the cost of the estate, as an argument for giving proprietors plenary control over them, the argument would, I presume, not have been advanced at all if it was not meant to convey the idea that the estate bears the whole cost of the village officers. But this is altogether inaccurate. The Government contributes, and has contributed largely from the first, towards their cost. The figures which I gave in my rough estimate may not be very accurate, but I believe them to be as nearly so as it is possible to make them with the information at the disposal of Government, and they show that Government pays about half, if not more, of the whole cost, while its proper share is probably only about one-third or possibly less. The Hon'ble Member suggests that the Government ought to contribute something, evidently in ignorance how largely it does contribute, and proposes a division of the total charge which would greatly lighten the burden now borne by the State and reduce it to the equivalent of about one-quarter of the cess on the rent-value of estates.

The Hon'ble Member prefers Civil Courts to Revenue officers for disposing of complaints from Zemindars and for dismissing karnams. He is, of course, entitled to his own opinions, but the very reason why Zemindars have not been able to control their karnams has been because they could only do so through the Civil Courts and because such control has long been proved to be practically useless.

The Hon'ble Member also objects to a village officer whose appointment is abolished (on the grouping of several villages to form a new one) losing the emoluments which his family have been enjoying from time immemorial. But what justice would there be to the general tax-payer or the proprietor in paying a man for doing nothing? If the necessities of good administration require the abolition of an office, the duty of Government is to see that it is abolished, and in such a case the incumbent has to vacate and possibly to suffer for the public good. In such cases, when the office is not a pensionable one, the incumbent is given a certain amount of notice of the abolition of his office, in order to enable him to get other employment, and then his services are dispensed with, but the fact that the office has been held for generations in his family gives him no claim to a perpetual pension.

The Hon'ble Member's objection that a Village Munsif should not be indirectly paid out of the village funds has no foundation in fact. The Village Munsif's appointment will, ordinarily, be purely honorary under the Bill. The Head of the village will be paid and will be appointed Village Munsif but will get nothing for discharging

the duties of that office, unless in the rare case of a Village Munsif being appointed under Madras Act I of 1889 to a jurisdiction not conterminous with, and independent of, that of the Head of a village. He will then be paid by Government if he is paid at all

The Hon'ble Member's other objections, in paragraphs 8 to 14 of his minute, are merely brief expressions of his opinion on matters of detail in the Bill on which I regret to be compelled to hold views opposed to his, but I have the consolation of knowing that my views are shared by the majority of the Select Committee. These objections of the Hon'ble Member do not seem to call for further reply from me.

I therefore move that the Bill, as now amended, be taken into consideration.

The Hon'ble P. RANGAYYA NAYADU.—I beg to propose—

His Excellency the PRESIDENT (interrupting)—I beg your pardon. Is this seconded?

The Hon'ble Mr. J. GROSE.—I second it.

The Hon'ble P. RANGAYYA NAYADU.—I beg to propose an adjournment of the meeting and the deferring of the consideration of the Bill on the ground that the amended Bill, the Report of the Select Committee and the Minutes have not been published in the *Fort Saint George Gazette* in the four languages in which the original Bill was published, that is, in Telugu, Tamil, Canarese and Hindustani, as required under Rule 39.

The Hon'ble A. SABHAPATHI MUDALIYAR.—I beg to second this proposition my Lord.

The Hon'ble V. BHASHYAM AIYANGAR.—Rule 45 has been followed and all that is required by that rule is that the Report of the Select Committee and the Bill as amended by the Select Committee should be circulated to the Members of the Council at least ten days before the meeting. I believe it is not suggested that this rule has not been strictly complied with. No doubt the original Bill was published in the Gazette a long time ago in English and the vernaculars, so as to enable all the persons concerned to submit memorials. Such memorials have been received by the Council and have been referred to the Select Committee for consideration in revising the Bill; and the Select Committee, to whom the Bill was again referred for re-consideration, submitted its report on the Bill as revised, after taking into consideration all the petitions which were referred to the Select Committee. Now, if I understand aright the Hon'ble Member who moves for an adjournment of the meeting, takes objection on the ground that the revised Bill, with translations in the vernaculars, has not been published in the Official Gazette—and I suppose in the District Gazettes also—for a sufficiently long time. If such is to be the procedure adopted, namely, that every time there is an amendment in the Bill or the Bill is revised by the Select Committee, the Bill is to be published in the Official Gazette and all the District Gazettes in all the vernaculars, there will be considerable delay, and that, I think, is the reason why rule 45 only prescribes that the report of the Select Committee and the Bill as amended by the Select Committee should be circulated at least ten days before the day fixed for the meeting to all the Members of the Council. I believe this has been strictly followed in this case.

His Excellency the PRESIDENT.—Is the Hon'ble Member's motion seconded?

The Hon'ble A. SABAPATHI MUDALIYAR.—Yes I seconded it.

His Excellency the PRESIDENT.—Under rule 8 the Council may at any time adjourn the meeting on a motion made and carried. Do I understand the Hon'ble Member to move for an adjournment under rule 8?

The Hon'ble P. RANGAYYA NAYADU.—Yes, and also on account of rule 39. Publication has not taken place under rule 39 and therefore I say it is not proper that we should take the Bill into consideration, and until the provisions of that rule are carried out, we cannot take into consideration the Bill that is now before us.

His Excellency the PRESIDENT.—The Hon'ble Mr. Bhashyam Aiyangar has shown clearly that rule 39 does not say that this Bill should not be considered until publication has taken place. Rule 45 says—

"When a Bill has been referred to a Select Committee under rule 29, it shall not be taken into consideration by the Council unless the report of the Select Committee has been sent to the Madras address of each of the Members of the Council, at least ten clear days beforehand. Subject to this condition, the Member in charge of a Bill, when presenting the report of the Select Committee to the Council, may move either that the Bill and report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting."

As this condition has been fulfilled, the Member in charge of the Bill has moved that this Bill be taken into consideration at once. I do not think that there is any ground for the Hon'ble Members saying that certain provisions have not been satisfied as regards rule 39. However, the motion is now before the meeting.

The Hon'ble C. SANKARAN NAYAR.—My Lord, with all respect to what has now fallen from your Lordship, it seems to me that this construction that has been suggested by the Hon'ble Mr. Bashyam Aiyangar is a most dangerous one and is not borne out by the provisions of rule 45. My Lord, you will see that section 45 has nothing to do with this. It is put in there to enable the Members to send in their amendments. When the Bill has been referred to a Select Committee under rule 29, it shall not be taken into consideration until the report of the Select Committee is sent to each of the Members of the Council at least ten days before the meeting.

His Excellency the PRESIDENT.—Read on.

The Hon'ble SANKARAN NAYAR.—"Subject to this condition, the Member in charge of a Bill, when presenting the report of the Select Committee to the Council, may move either that the Bill and report be taken into consideration at once, or that the consideration of them be postponed to a subsequent meeting."

Now, my Lord, what I wish to submit to the Council is that this is intended as an additional precaution in favour of Members of Council, so that they may have time to send in their amendments. They have to send in their amendments within a certain time; and in order to enable them to do so you have to send them the report of the Select Committee. Whereas, section 39 has nothing to do with the Members of the Council. It is intended for the benefit of the public. Otherwise there is no provision and guarantee that the public will have an opportunity to have their say. Section 39 says:—

"The report of the Select Committee, any minutes that may be recorded by individual Members of the Committee and the Bill as amended by the Committee, shall be printed and copies furnished to each of the Members of the Council. The report and minutes (if any) and the Bill (or any portion thereof), if amended, shall also be published in the *Fort Saint George Gazette* in the languages in which the original Bill was published."

That is put in obviously for the reason that the public may be enabled to judge whether the amendments introduced by the Select Committee are such that they may have anything to say on the matter or not. In order to give them a voice and enable them to say how far they approve of the amendments or not, that

provision has been there inserted so that the Council will see that section 45 has nothing to do with the last part of section 39. We do not enable the public to know what the provisions of the Bill are; and by the procedure now adopted, the public are kept in the dark. You have to circulate under section 45 only to the Members of the Council, so that the public would not know anything of the matter. I submit to the Council that this could not have been our intention when we passed the rules 39 and 45. We intended to give the public an opportunity and also the Members an opportunity, and if the construction that has now been suggested with regard to rule 45 is adopted really it will enable us to give the go-by to whatever the public might have to say on the matter. With all deference to what has now fallen from your Lordship, I submit to the Council that this is really a matter in regard to which rule 39 should be applied. Considering the importance of the matter and considering that there are prayers to adjourn the discussion, it is only fair that we should accede to the prayer contained in those petitions. I would therefore support the prayer for an adjournment. I may also say as an additional reason that the elaborate statement given by the Hon'ble Member in charge of the Bill is one which requires a good deal of consideration. We had not all these facts before us till now; and all that we had was what the Zemindars' and Karnams' Associations told us. Now this statement will throw new light on the matter. I believe this a matter which requires further consideration.

The Hon'ble N. Subba Rao.—My Lord, with your Excellency's permission, I must differ from the views put forward by the Hon'ble Mr. V. Bhashyam Aiyangar. Rule 45 is subject to all the previous rules. When the report has been circulated to all the Members of the Council, and brought before the Council, it presupposes that it has been published in the Gazette in all the languages in which the original Bill was published. The very object of the publication in the Gazette is to give an opportunity to the public to express and submit their views to the Council. If that safeguard is taken away, the rule becomes a nullity. If, after giving notice to Members only, the Bill is taken into consideration and passed into law, I submit that it will work a great hardship upon the people at large. Besides the report of the Select Committee was published in the Gazette only in the English language on the 28th of last month, just a fortnight ago; and I may mention that, so far as I am concerned, I had not sufficient time to send in my amendments within 6 days before the meeting. I received the report on Sunday, that is 3rd December, and I submitted my amendments on the 4th of December; still your Lordship was pleased to reject my amendments, on the ground that they were not submitted in time. That shows that ample time must be given to the public, as well as to the Members, for putting in amendments before considering the Bill and passing it into law. I submit that, besides these personal and technical objections, the public had no time practically to place their views before the Council. The Secretary has now read a number of petitions and telegrams requesting that the Bill should be adjourned, so as to give the public an opportunity for placing their views before the Council. There was hardly time, I submit, for the people in the distant parts of the Presidency, such as Ganjám in the north and the remote southern districts, to study the report of the Select Committee and submit their views to the Council. It may be said that the views of the Select Committee now put forward are substantially the same as the views of the first Select Committee. But I submit that, if you look at the various suggestions made, you will find that there are important modifications in several sections, and therefore the object of giving publicity to them is to give time to the public to consider the various alterations made by the Select Committee and to bring their objections to the

notice of the Council. In the interests of the public, apart from the technical objection raised, I submit that the consideration of this Bill should be adjourned to another date, to enable the public in all parts of the Presidency to submit their views to the Council. I submit therefore that, seeing the short time the public has had with reference to the Bill and the short time I may say the Members of the Council have had, seeing that the Select Committee was sitting till so late as Saturday last over various amendments, seeing that some Members of the Select Committee have given notice of amendments in regard to the Bill which they might as well have incorporated in the Select Committee's report, and seeing that the several amendments that were sent in were not received in time, I submit, for these and various other reasons, that the consideration of the Bill be not proceeded with at this meeting but be adjourned to another meeting, so as to give greater opportunity both to the public as well as to the Members to place their views before the Council. This is an important Bill which contains various provisions affecting the various classes of the community, and therefore as much opportunity and as much time as possible should be allowed.

It may be urged that this Bill has been on the anvil for the last twenty years. But the question for us to consider now is the report of the Select Committee which was published only a fortnight ago. No one would ask that the Bill should be delayed for another six months; all I say is that it may be considered at the next meeting. Another reason I wish to submit is that the important provisions of the Bill with reference to the procedure relating to suits and other matters are expressly omitted in this Bill; and are reserved for consideration in connection with another Bill, the Hereditary Village Officers' Succession Bill. That Bill has been referred to a Select Committee and the report of the Select Committee is not before us. Unless we know what the procedure is with regard to the officers concerned in this Bill, I submit it is not fair that this Bill should be passed into law at once. If we know what the provisions are, then it will be necessary for us to consider whether the procedure laid down with regard to that class of officers should be the same as the procedure that should be adopted with regard to this class of officers. I may mention to your Lordship that so far as the procedure in the first Bill is concerned, numerous amendments have been put in. Some Members wanted that the appeals should go to Civil Courts. Some Members proposed that there should be not one appeal as proposed in the original Bill but two appeals which should go to the Revenue Board subject to the orders of the Government. Unless that Bill is before us, this cannot effectually be passed into law. Therefore taking the whole question in all its aspects, considering the important interests it affects, considering the short notice that the public have had and considering the relation it has with another Bill, I request your Lordship that the Bill may not be passed into law now. I do not lay stress on the technical objection now put forward, but I base my argument simply on the broad question that the public have not had much time and on the relation which this Bill has with another Bill, which has not yet been brought before us. Taking into consideration all these facts, I trust the Hon' ble Member in charge of the Bill will also be pleased to adjourn the consideration of this Bill to another date.

The Hon'ble V. Bhashyam Aiyangar.—I must confess that I overlooked rule 39 when I referred to rule 45 and said that, under rule 45, all that was required was that the amended Bill and the report of the Select Committee should be circulated to the Members at least ten days before the date fixed for the meeting. I then overlooked rule 39, which seems to require that the amended Bill should be published in the *Fort St. George Gazette* in all the vernac[illegible]rs.

The Hon'ble Mr. J. H. GARSTIN.—I take objection on a point of order in regard to this motion. The mover ought to have given notice of it, but he has not done so although he had ample time to do it. His motion is practically an amendment to what I moved, namely, that the Bill be taken into consideration. The Hon'ble Member has now moved that the Bill be not taken into consideration and that the consideration of it be adjourned. I do not deny that there is some force in what has been said; but I do not consider there is any necessity for an adjournment. The Bill has been before the public for months, having been published 8 months ago; and although in many details it has been altered, still the principle is precisely the same as it was before. The Bill, moreover, has been amended by the Select Committee twice, and both amendments have been published—the former one was published in all the vernaculars of the Presidency, but the second one has not been published in all the vernaculars, although it has been published in English for at least ten days and, for the same length of time, notice has been given to all the Members. I do not myself see any injustice in going on with the consideration of the Bill now. The Hon'ble Member's motion, I consider, is out of order. If he had given notice of it I should not have made my speech; but he sat still until I made my speech, and having heard that, he makes a motion. I consider it is entirely out of order.

The Hon'ble P. RANGAYYA NAYADU.—Is there any objection, Sir, to my knowing your speech? That is another argument why the meeting should be adjourned. The public should know what your speech is and what arguments there are in it.

The Hon'ble Mr. H. W. BLISS.—I take objection to the Hon'ble Member addressing the Council at the same time as the Hon'ble Mr. Garstin.

The Hon'ble the Rev. Dr. MILLER.—My Lord, I strongly think that an adjournment of this debate is necessary in our present circumstances. I am not willing to give simply a silent vote in favour of the amendment. I am of opinion that whatever the technicalities of the case may be there are general grounds why a Bill which has caused so much interest and which affects so large portion of the community should not be pushed through without full and adequate discussion. I think that what the Hon'ble Member in charge of the Bill has just said about the motion being out of order is scarcely to the point. I am not able to go into the technical question, but it does seem to me that rule 39 applies here. If it does apply it seems to me, as the Hon'ble Mr. P. Rangayya Nayadu and others have maintained, that notice of motion to keep to the rules is not required to be given. If it be a fact that to go on with the discussion now is against the fundamental rules of business, then certainly notice of motion was not required. I think the Hon'ble Member in charge of the Bill need not at all regret that objection has been taken at this particular stage after his very lucid and most important speech on this question has been made, for it seems to me, Sir, the very fact of this very important speech being laid before us is one of the very strongest reasons why we should now adjourn further discussion. I confess, my Lord, I for one am unable—no doubt among the Members of the Council there are men much abler than I am, but I suspect I am not the only one who is unable—to grasp the whole of the facts that the Hon'ble Mr. Garstin has laid before us now at one hearing. I think there are others as well as myself who would like calmly to consider this question in the light of what has now been said so well in the paper which I am very glad that we have in this tangible form. But we require time to consider it. I think an adjournment is most desirable. My Lord, in reply to what has been said by the Hon'ble Mr. Garstin that this Bill has been before the public for many months, I

would say it is perfectly true, but it has not been practically before the Members of this Council many months, for the simple reason that a large number of the present Members of the Council were not Members of the Council until a recent date, and their minds were not directed to questions of this kind, and some of them like myself have not had the previous training necessary to enable them to grasp subjects of this sort all at once. I do think if this Council, composed as it largely is of Members who have been recently added, is to give an unbiased opinion upon a Bill full of details, full of new principles, and full of technicalities, a Bill requiring a very careful study in all its parts—if this Council, constituted as it is, is to give a proper decision upon such a Bill as this, very much more consideration is necessary on the part of the Members than can be given at a single sitting. For reasons such as these, I ventured to speak as I have done in favour of the amendment that has been proposed.

The Hon'ble Mr. C. S. Crole.—I appeal to your Excellency to give a ruling on the Hon'ble Mr. Garstin's objection that the motion was out of order.

His Excellency the President.—I have been appealed to to give a ruling in regard to this matter. I think the motion proposed by the Hon'ble Mr. Rangayya Nayadu can hardly be accepted as one in order. In point of fact the proposition that he moves is a direct negative of the original motion. The Hon'ble Member not having given notice that he intended to bring anything forward, his amendment has therefore come rather as a surprise. If he had moved a direct amendment, it is out of order, as notice was not given of it. Therefore I asked him whether he moved under rule 3 that the Council do adjourn; but I undertsood he does not move that, but quite another matter, namely, that the discussion on the Bill be adjourned. I therefore rule that the Hon'ble Mr. Garstin's motion that the report and the Bill as amended by the Select Committee be taken into consideration is the substantive motion before the Council.

The Hon'ble Mr. J. H. Garstin.—In view of the remarks made by the Hon'ble and Rev. Dr. Miller, I have no objection to an adjournment. I wish to see fair play as much as anybody else, but I think such a thing as tactics may be carried sometimes a little too far. It is absolutely necessary that, if due time is given to the consideration of this Bill, this Bill should be passed into law, unless very good reasons can be shown why it should not be so passed. The Hon'ble and Rev. Gentleman who has spoken said with great force what, I confess, I have overlooked—that much of what I have said is novel to him and to many others, and that the subject does require consideration. In view of that argument, I have no objection to adjourning the meeting for any period not exceeding a fortnight. I am obliged to have a short time because my official career will terminate very soon. I am, however, very willing to adjourn the consideration of this question for another week, if that will meet the views of the Hon'ble Member.

The Hon'ble the Maharajah of Vizianagram.—My Lord, I may be permitted to say a few words on this subject. I am sorry that this controversy should have arisen at this late hour, considering that this Bill has been so long before the public. The present objection raised by a few gentlemen who are opposed to the Bill is that this Bill was not published in the various languages in the *Gazette of India* (?) I think it has been published. This Bill, unlike other Bills, has been referred to Select Committee twice. It is only the mere fulfilment of technical points that is urged, but no valid reason. The mover of the proposition is pressed for time, being on the eve of his departure and there seems to be no valid objection forthcoming from any direction.

Every objection that can possibly be made has been urged against it. Still there is no solid ground to deserve further consideration at the hands of your Lordship's Council. Although the mover himself is willing to have an adjournment of the Bill, yet I think it will be simply a waste of time, and can hardly bring any new facts to light. For this reason I am for the passing of the Bill now.

The Hon'ble Mr. J. H. Garstin.—Just this moment I announced my readiness to an adjournment for a week, but the Secretary has pointed out to me that such a thing is practically useless. Under the rules, notices of amendments are due six days before the date of the meeting, and this will only leave twenty-four hours at the disposal of the Hon'ble Members to send in their amendments. If the present Council adjourns for a week, we should still have the same objection urged by some Hon'ble Gentlemen, that owing to the lamented death of the Tamil Translator to Government, it is impossible to publish the Bill in Tamil or perhaps that there are two karnams in the far end of Ganjám who have not had time to send in their objections, and that if the Bill is further adjourned, the objections may come in. If it is possible to have an adjournment and then take the matter into consideration, I shall be glad to do so out of deference to the wishes of those that have spoken. That seems, however, to be practically impossible. My position is very peculiar. Within 48 hours of the close of the Christmas holidays, my official career terminates, and I shall therefore have nothing further to do with the Bill. It may complicate matters if I am not able to assist Government in passing the Bill while I am still in the service. I see therefore no way out of the difficulty but to let the substantive motion stand, "that the Bill be taken into consideration." I should be very glad to adjourn the meeting if it would be of any use. Apparently it will be useless. Members would not have time to send in their amendments, and further the same objection, as has been raised to-day, would hold good a week hence, and it is sure to be taken. The objection, moreover, is a purely technical one; and I do not attach any importance to what the Hon'ble Member, whose motion has been ruled out of order, has said. As regards the remarks of the Hon'ble and Rev. Gentleman, I think they are entitled to great weight. I have no doubt that time should be given; but I am sorry it cannot be done under the present circumstances. I am sorry that notice of motion for adjournment had not been given. It is now for the Council to vote whether they will take the matter into consideration now or not; I think the best thing to do is to proceed with it at once.

The Hon'ble and Rev. Dr. Miller.—I would submit to the Hon'ble Mr. Garstin that my difficulty will be met by an adjournment for a week. My objection is not so much with regard to the rule, but to what is possible for this Council constituted as it is to do honestly and faithfully. In a week we can at least study what the Hon'ble Mr. Garstin has in his able speech laid before us, and in the light of that we can at least consider the amendments, of which notice has been given. If the discussion goes on now, I will simply enter a protest for myself, and those that are in the same position, that we are not qualified by our present information or study to take an intelligent part in the discussions of the Council, and must simply leave it to be settled by those who are experts in the matter.

The Hon'ble S. R. Ramasubbaiyer.—I beg to join the Hon'ble and Rev. Gentleman in his protest for two reasons. Firstly, though we must accept the ruling of your Lordship that the Hon'ble Mr. Rangayya Nayadu's motion was out of order, still we cannot shut our eyes to the fact that the objection taken by him is legal and

valid. The Hon'ble Member who opposed that view of the law now holds that the objection is a proper one. I therefore submit that we should not ignore the fact that there is a defect, and if the law says that the Bill as amended ought to be published in the vernacular languages, there is no use in our going on with it until it is published, because that will always be a defect—a defect which will go to the very root of what we shall be doing in passing this Bill. In the second place I think I shall not be doing my duty if I do not bring to the notice of this Council the very strong feeling entertained in that part of the country that I come from that this Bill is being passed without giving sufficient time for people to think about it and express their views. When we find, as the Hon'ble and Rev. Dr. Miller said, that there are so many here who are not in a position to grasp fully and exhaustively all that has been said by the Hon'ble Mover of the Bill, that, I think, is an additional reason why we should defer the consideration of this Bill. As to the Hon'ble Member having to leave the country very soon, that is a matter for great regret; but considering the legal objection raised and considering the feeling that exists that this Bill is being passed into law in a great hurry, I think that ought to give way to the fact that the public had not had sufficient notice of the new views as regards this Bill as contained in the revised report of the Select Committee. On these grounds I join the Hon'ble and Rev. Dr. Miller in entering my protest to the Bill being passed into law to-day.

The Hon'ble K. Kalyanasundarum Aiyar.—I have got a few words to say. I thought that after the Hon'ble Mr. V. Bhashyam Aiyangar's withdrawal of the objection that he advanced, the motion of the Hon'ble Mr. Rangayya Nayadu would be carried. But inasmuch as your Lordship has ruled that it is out of order, I beg to move under rule 3 " that the Council do adjourn this meeting." That, it seems to me, will meet all technical difficulties, because under the rules the Council may at any time adjourn a meeting upon a motion made and carried. I beg therefore to propose that this meeting be adjourned.

His Excellency the President.—For how long?

The Hon'ble K. Kalyanasundarum Aiyar.—The date will be fixed by your Lordship. In the meantime the translations may be published to put an end to all difficulties.

The Hon'ble S. R. Ramasubbaiyer.—I should say that the meeting should be adjourned so long as it is necessary to carry out the provisions of rule 39. I beg to second it.

The Hon'ble Mr. H. W. Bliss.—With reference to the Hon'ble Mr. Ramasubbaiyer's argument that an adjournment is necessary because the new views of the Select Committee have not been yet sufficiently appreciated by the public, I think it is well to point out what the new views of the Select Committee consist of. It is now six or seven months since the first report of the Select Committee was made public, and by that report it was proposed to extend the provisions of this Bill to six classes, the names of which were given, of village servants. The new views of the Select Committee consist in striking out three of those classes. As I am not aware that there is any large body of the public, who are insisting upon the inclusion of any persons in the provisions of this Bill, other than those whose names have been put in by the Select Committee, I fail to see what new views there are for the public to be acquainted with. No new views were put into the Bill by the deliberations of the Select Committee; while, on the other hand, the scope of its influence has been

decreased, and consequently on that argument, I submit, there is no necessity for anybody to have further time to consider what it is proposed to do. With reference to the argument of the Hon'ble Member opposite that the karnams in the uttermost parts of Ganjám have not had time to receive notice of this legislation, I beg to point out that if you were to allow a month or six months, or a year, or two years or ten years, you would always find some karnam coming forward to object to the Bill, precisely on the same principle as a thief would object to the Penal Code. This Bill is intended to bring the karnams under some small measure of control and a certain amount of authority, which is exceedingly necessary. However long you may wait, you will still find karnams coming forward objecting to the Bill. For both these reasons it is unnecessary to have an adjournment.

His Excellency the PRESIDENT then put the amendment for adjournment to the Council, and there were—

	Votes.
For	7
Against	11
Majority for	4

The amendment was therefore declared as lost.

His Excellency the PRESIDENT.—The motion now before the Council is that which was moved by the Hon'ble Mr. J. H. Garstin "That the Bill, as further amended by the Select Committee, be taken into consideration."

On this proposition being put to the vote, there were—

	Votes.
For	12
Against	7
Majority for	5

His Excellency the PRESIDENT.—Before proceeding to the business before the Council, I should like to say, seeing that a considerable responsibility rests on me in this matter, that, as regards the motion, which I ruled to be out of order, some Hon'ble Members seem to be under the misapprehension that I ruled the Hon'ble Mr. Rangayya Nayadu's motion to be out of order because I considered it not valid. I did not consider that to be the case at all. I considered his objection valid and I understood that by the way he put it, it assumed the form of a direct negative to the motion before the Council. The Hon'ble Member has a right to bring the motion and express himself in the way he did. But, technically speaking, the motion was such as could not be adopted, it being a direct negative, though purporting to be an amendment to the motion before the Council.

The Council then proceeded to the consideration of the Bill.

The Hon'ble Mr. J. H. GARSTIN.—I move that the consideration of the preamble be postponed.

The Hon'ble Mr. H. W. BLISS seconded the proposition which was put to the Council and carried.

The Hon'ble Mr. J. H. GARSTIN.—I move that section 1 be agreed to.

This was agreed to by the Council.

Section 2 was then taken into consideration.

The Hon'ble Mr. A. Sabhapathi Mudaliyar.—I propose an amendment, namely, to omit classes 2 and 3 of the classes of village officers. No case has been made out for the inclusion of "heads of villages" and "village watchers." Now heads of the villages are the rent collectors of proprietors. The village watchman watches crops, prevents cattle trespassing, and watches heaps of grain and straw in the threshing ground. In their duties, the Government is not concerned. If he is also to assist the village munsif, it is only on rare occasions. The existing police enactments will answer the purpose and the proposed legislation is superfluous.

The Hon'ble Mr. C. Sankaran Nayar :—My Lord, I beg to second that amendment, and my reason for it is this. You will see that one of the officers who is proposed to be included is the head of the village and another is the taliari. One reason for omitting it is: that we shall thereby be enabled to reduce the taxation of ten pies, which is imposed by a subsequent section. Unless we see there is some good reason for including them and if there are many reasons for not including them, I believe the better course will be to leave them alone and avoid taxation which is incidental to our interference. The main reason for the omission of the head of the village is this, and that reason comes out in the Select Committee's report, which says "we have not deemed it necessary to include village munsifs specifically in the Bill, because the Government have issued a rule under section 7 of the Madras Village Courts Act I of 1889 (which consequently has the force of law) directing that in every case of the appointment of a village munsif the Collector shall select the head of the village, when the jurisdictions of the two offices are conterminous, and appoint him to the office." Heads of villages, as village munsifs, have power to try certain suits whose value may come to Rs. 20; and they have also power to try rent suits of a certain class—cases that arise between a proprietor and his tenant and power over them is given to the proprietor; your Lordship and the Council will see that not only the Collector of the district but every Divisional officer, as well as the landed proprietor, is given power over village munsifs. Now, I submit, my Lord, that is not at all advisable. I submit that it is not at all advisable, considering that many of the suits that spring up are suits that arise between a landlord and his tenant, and that the jurisdiction given will always be exercised to the advantage of the landlord and not to that of the tenants. It is not advisable, I submit, that the heads of villages should be included in this Bill, seeing that the powers given to the proprietor by this Bill are so large. Furthermore, there is absolutely no necessity shown why the power which was given to the Collector of the district by Act I of 1889 should now be given to every Divisional officer. The Hon'ble Member in charge of the Bill sets forth the matter very fully in his speech, and seems to have taken the case as between zemindars on the one side and the Government on the other. He seems to have completely forgotten that there is another party in the matter—that is the tenants of the zemindars. For the very good reason that according to this Bill, heads of villages are placed absolutely under the control of zemindars and divisional officers—for which no reason whatever is given. I object to their inclusion in this Bill. A person is appointed as the head of a village on account of his social position in the village. I would submit to the Council that his inclusion in the Bill is very inadvisable on the ground that the discharge of his duty as a judicial officer will be materially interfered with by his subordination to the zemindar.

The Hon'ble Mr. J. H. Garstin.—My Lord, I oppose the amendment. In the first place, it strikes at the very root of the Bill in a very important matter. As I have stated in my speech, Government consider it desirable that in every village there

shall be representatives of law and order, as personified by the village head and the policeman. The existence of these two classes of officers is a necessity; and, as a fact, they exist in name in nearly every village, but require to be brought more under proper control of officers than at present. As regards the Hon'ble Sankara Nayar's objection, it appears to me that he has taken a completely wrong view of Act I of 1889. That Act gives power to the Collector to appoint, suspend or dismiss a village munsif. There is no definition of "Collector" in the Act; and "Collector" means, as defined by Regulation VII of 1828, every officer exercising the power of Collector, and therefore includes every Divisional officer. He is entirely wrong in saying that the proprietor has power to punish a village munsif. He cannot do anything of the sort. He can fine those officers to whom this Bill applies. But this Bill does not apply to a village munsif. It applies to the head of the village, village taliari and karnam. He may fine any of them; he may fine the village Head, as such, but cannot fine him as village munsif. The objection that the powers under the Bill are given to the tyrannical Divisional officers is quite untenable.

The Hon'ble C. SANKARAN NAYAR.—You say in the first Select Committee's report that you will appoint the head of the village as a village munsif.

The Hon'ble Mr. J. H. GARSTIN.—That is an executive order of Government. But that is not the law.

The Hon'ble C. SANKARAN NAYAR.—But the order has the force of law.

The Hon'ble Mr. J. H. GARSTIN.—The Bill does not apply to the village munsif as such. The real persons to whom it applies are heads of villages, taliaries and karnams. It is only these three persons that a proprietor can fine. He cannot fine a village munsif as such. He may fine him as the head of the village. That may be a delicate distinction, but I cannot help it. That arises from the peculiarities of the position. No doubt by the powers vested in him a proprietor may punish a man in one capacity without punishing him in another. We have recognised it in the Bill, and we make a specific provision that if a man is dismissed by the Collector in his capacity as village munsif of the village, he must be dismissed from the post of Head of the village. I have shown that a proprietor has no power over a village munsif, though he has power over him as the head of the village. I cannot help the delicacy of the distinction; that is unavoidable from the necessities of the case. The objection raised is therefore invalid. I oppose the amendment to leave out these two classes of officers as being unnecessary and highly undesirable.

On the amendment being put to the vote, there were—

For	5
Against	15
Majority against	10

The Hon'ble A. SABHAPATI MUDALIAR.—My second amendment is to omit the sentence: "In case of doubt whether a village officer in any estate falls under any of the above classes, the Government shall have power to decide whether such village officer comes under any of the above classes, and, if so, under which of them."

It is opposed to the very principle of legislation to entertain or anticipate doubts on such an important point, and it is still more objectionable for the legislature to delegate its function to the executive Government and its officers for the removal of the doubt. Though the regulation has been repealed, the executive Government and its officers cannot interpret the term any way they like to the prejudice of the parties concerned. Monegars have nothing to do with the Government.

The Hon'ble P. RANGAYYA NAYADU seconded the amendment.

The Hon'ble K. KALYANASUNDRUM AIYAR.—I oppose the amendment for the reason that the same officer is known by various names in different villages, and the provision seems to me necessary in order that the Government may decide whether a particular officer known by a particular name comes under clause 2 or clause 3. Therefore, my Lord, that provision seems to be absolutely necessary. In each case, the Government has to decide upon the facts of the case.

The Hon'ble Mr. J. H. GARSTIN.—I fully agree in what has fallen from the Hon'ble Kalyanasundrum Aiyar. I would point out to my Hon'ble friend on the right that he is mistaken in saying that the sentence to which he objects is opposed to the principle of legislation. Such a provision has existed for years. In Regulation IV of 1816 there is a cognate provision which lays down that the power to decide doubts as to who is entitled to the office of the head of the village is vested in the Collector; and the power proposed to be given by the Bill to Government is a cognate one and is necessary. I think the Hon'ble Member has overlooked that provision in Regulation IV of 1816.

The Hon'ble Mr. H. W. BLISS.—I wish to point out that this provision has a precedent, inasmuch as in Act IV of 1864, which was in force for 30 years, until repealed a short time ago by Madras Act IV of 1893, I find these words: "In case of doubt, the Collector of the district" (not the Government) "subject to the orders of the Board of Revenue" (not the Government again) "shall determine to what persons as coming within the designation of village servants employed on Revenue and Police duties this Act may apply and to what persons, as not coming within the said designation, the Act does not apply." I think that is more than a precedent, and it has been in force in this Presidency for nearly 30 years.

The Hon'ble V. BHASHYAM AIYANGAR.—The provision was put in for this reason. Many of the village officers go under different denominations in different localities; and therefore there must be a competent authority to decide whether an officer who goes under one denomination in one district and under a different denomination in another district is really the head of the village, or village watchman or not. It is a matter of impossibility for the Legislature to define and settle it in every case unless you can collect the various local names which exist in various districts, for the various village officers and ascertain their duties. Therefore the power is given to Government to decide whether an officer who goes under a particular denomination in a particular estate or village comes under section 2 or not, and, if he comes under it, under which head he falls. That power is absolutely necessary and such power is given in the recent Village Cess Act which was passed in the last Session.

His Excellency the PRESIDENT then put the amendment to the Council; and it was lost, there being only two votes recorded for it.

His Excellency the PRESIDENT.—Under rule 3, as President of the Council, I now adjourn this meeting. After what has fallen from the Hon'ble the Rev. Dr. Miller and other Hon'ble Members, I quite see there is much force in what they say, that the Hon'ble Member in charge of the Bill has presented to the Council a statement of very great importance. I can quite understand their anxiety to have a little more time to master all the details in it, and also to consider the amendments which have not yet been dealt with. Therefore, I think, the case will be thoroughly met if this Council adjourned till 11 o'clock on Monday next.

The Council accordingly adjourned to Monday, the 18th December 1893, at 11 A.M.

(By Order.)

FORT ST. GEORGE,
19th Dec. 1893.

(Signed) A. BUTTERWORTH,
Secretary to the Council.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber on Monday the 18th December 1893 at 11 A.M.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble Mr. H. W. BLISS, C.I.E.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble Mr. H. F. CLOGSTOUN, C.S.I.
The Hon'ble Mr. J. GROSE, M.A.
The Hon'ble Mr. C. S. CROLE.
The Hon'ble Colonel J. PENNYCUICK, R.E.
The Hon'ble Mr. W. E. AUSTIN.
The Hon'ble Mr. A. MUNRO, M.A., B.C.L., Barrister-at-Law.
The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.
The Hon'ble the MAHARAJA OF VIZIANAGRAM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, B.A., B.L., Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.
The Hon'ble P. RANGAYYA NAYUDU.
The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.
The Hon'ble N. SUBBA RAO PANTULU, B.A., B.L.
The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.
The Hon'ble the Rev. W. MILLER, M.A., LL.D., C.I.E.
The Hon'ble C. SANKARAN NAYAR, B.A., B.L.

His Excellency the PRESIDENT, in opening the Proceedings, said:—

GENTLEMEN,—Before we proceed to the business of the meeting, I wish to take this opportunity of expressing, on behalf of Government, the great regret they feel at the death of their esteemed colleague, the Hon'ble Mir Humayun Jah Bahadur, C.I.E., who for a great number of years has been a member of this Council. Although he did not take as active a part in the deliberations of this Council as other members, at the same time I can testify the great satisfaction which the Government had always felt in knowing that they had close by them a gentleman who was so much respected and who held the confidence of the community whom he represented in this Council. It is therefore with regret the Government feel that the hand of death has removed from them a colleague for whom they had so much respect and esteem. At the time of his death, although he had been elected a member of the Viceroy's Council, still he was a member of this Council, as correspondence was passing between this Government and the Government of India as to the resignation or otherwise

of a non-official member who was elected by this Council to the Viceroy's Council at Calcutta. Therefore we may say that he died in harness, while he was in the service of the Government of Madras. Shortly we shall hear as to the appointment of his successor to the Viceroy's Council, when full information will be furnished to the Hon'ble Members on the subject.

I now turn to another point which I should like to mention. My attention has been invited lately to certain matters about which apparently there has been some misapprehension on the part of Hon'ble Members, that is, in connection with the answer which I gave to the Hon'ble Kalyanasundaram Aiyar when he got up after a question has been answered by the Hon'ble Mr. Garstin. It appears there is an impression that I refused permission to the Hon'ble Member to make a personal explanation. But I should like to call the attention of the Members to the facts which actually occurred. The Hon'ble Mr. Garstin answered a question in the course of which he referred to the Hon'ble Member who, after the question has been answered, got up and asked me if I considered it necessary that he should make a reply. I considered it not necessary and said so. I think the Hon'ble Members will see that there is a great difference between that and refusing permission to an Hon'ble Member who wishes to make an explanation. I thought, from the manner in which the Hon'ble Member made the reference, it was not at all an unnatural inference that the Hon'ble Member did not wish to make an explanation but that he would do so if I thought it necessary. Otherwise, if he had wished to make an explanation I thought he would have asked for it. I merely mention this to remove any misapprehension there may be on the part of the Hon'ble Members. I am sure there is no wish on my part in any way to stifle or burke discussion on which any Hon'ble Member wishes or feels he ought to make a personal explanation.

The Hon'ble K. KALYANASUNDARAM AIYAR.—Have I your Excellency's permission to make a few remarks with reference to the matter which has fallen from your Excellency.

His Excellency the PRESIDENT.—Certainly.

The Hon'ble K. KALYANASUNDARAM AIYAR.—With your Excellency's permission I wish to make a few remarks. When I proposed the first amendment which I moved at the first meeting of the Council on the 14th of November on the Revenue Board Bill, my Lord, I thought that the amendment was based upon a general principle. I did not think, my Lord, it was necessary to support that amendment by reference to any particular instances in which that principle had been contravened. Indeed, my Lord, I was so confident of the justice of that amendment that I did not come into this Council prepared with references showing the existence of a similar provision in other enactments. It is true, my Lord, that at that time I was in possession of information which tended to show that Mr. LeFanu had been disposing of some appeals from his own orders in the Board of Revenue. But the information was not of an authentic character and was too vague to enable me to single out Mr. LeFanu's name even if I had a desire to do so, which, as a matter of fact, I had not. Therefore, my Lord, after the emphatic statement of the Hon'ble Mr. Garstin as to the invariable practice in the Board and the indignant remonstrance of the Hon'ble Mr. Grose, I thought it would have been ridiculous in me and insulting to this Council if I had ventured to make mention of the rumours which I had heard. Then, my Lord, with regard to what took place at the last meeting, I do not exactly remember the words I used, but the purport of it was to leave it to your Excellency to decide whether it was necessary for me to make any explanation. It was far from my intention to avoid

giving an explanation if I could do so; but I judged, my Lord, that, as a new member, I should be acting rightly in placing myself entirely under your Excellency's guidance with the full confidence that your Excellency would protect me from any insinuations made against me were any intended. I have one observation to make with regard to the question propounded by the Hon'ble P. Rangayya Nayudu. I think it my duty here publicly to declare that that question was not suggested by me. I had no manner of connection with it, and the first intimation I had of it was when I received the printed paper of questions. I do not think it is necessary for me to say anything more than to thank your Excellency for the permission accorded to me for making this explanation.

PETITIONS.

The SECRETARY.—Since the last meeting five petitions have been received on the Proprietary Estates Village Service Bill. Four of these are mere copies of the petitions previously received and circulated to the Council, and the other one is the telegram applying for an extension of time for the consideration of the Bill.

RULES FOR THE CONDUCT OF BUSINESS OF THE MADRAS LEGISLATIVE COUNCIL.

The Hon'ble Mr. BLISS.—My Lord, before we proceed to the consideration of the Bill that is before us there is one small matter to which I wish to call the attention of the Council. Since the last meeting of the Council, it has been brought to my notice that one of the rules requires a slight amendment in order to enable us to transact business with more freedom. I have therefore to propose that, under rule 67, rule 21 be suspended in order to enable me to move an amendment in rule 14. Perhaps it would be convenient before the question for permission is put if I should point out what it is that I wish to draw the attention of the Council to. Rule 14 says that, except in discussing verbal amendments when the Council is settling the several clauses of a Bill, no member other than the mover shall speak more than once upon a question. In a certain sense all amendments are verbal amendments, but the words "verbal amendments" are generally used in a restricted sense signifying amendments of a comparatively slight importance. Therefore it follows that under the present wording of the rule unless we are discussing matters of minor importance, it is impossible, in the course of the discussion of the Bill, that any member shall speak more than once upon any question. I need hardly point out to the Council that the matters which we have to dispose of in this Bill are of a somewhat complicated nature; and if it is necessary that in discussing mere verbal amendments that Hon'ble Members shall speak more than once, it is still more desirable when they are speaking on matters of real importance. Therefore I propose to omit the word "verbal" in rule 14. The effect of that will be, if the Council will be pleased to pass it, that in regard to all amendments all members will be able to speak as often as they think necessary. Further, the discussion and the consideration of this Bill will be of a conversational character which is usual in assemblies of this kind. I therefore propose that under rule 67 the operation of rule 21 be suspended for the purpose of removing the word "verbal" in rule 14.

The Hon'ble Mr. J. H. GARSTIN.—I second it.

The proposition was put to the Council and agreed to.

The Hon'ble Mr. H. W. BLISS.—I now move that the word "verbal" be omitted from rule 14.

This was also put to the Council and agreed to.

The Hon'ble Mr. H. W. Bliss.—I now request your Lordship to signify your assent to the amendment now made in the rules for the conduct of business of the Council under section 37 of the Indian Councils Act of 1861.

His Excellency the President.—In regard to what fell from the Hon'ble Mr. Bliss, I beg to announce my assent to the alteration made in rule 14 which has just been passed.

Madras Proprietary Estates' Village Service Bill.

His Excellency the President.—We shall now proceed to the consideration of the amended Bill. We were at the conclusion of section 2 on the other day; and we should now take up section 3.

Section 3.

The Hon'ble P. Rangayya Nayudu.—The Hon'ble A. Sabhapati Mudaliyar has asked me to propose his amendments. His amendment to this section is as follows:—

> "in line 8, after the words 'said office' insert the words 'and Madras Regulation VI of 1831 totally.'"

I do not wish to propose it.

Permission to withdraw the amendment was then given by the Council.

Section 6.

The Hon'ble Mr. J. H. Garstin.—My Lord, the amendment I have to propose is merely of a verbal character. It is that;

> in sub-sections 1 and 2, lines 17 and 24 add "or portions thereof" after "such villages."

The Hon'ble Mr. H. W. Bliss.—I beg to second it, my Lord.

The amendment was put to the Council and carried.

The Hon'ble P. Rangayya Nayudu, on behalf of the Hon'ble A. Sabhapati Mudaliyar asked for permission to withdraw the following amendment—

> in sub-section 3, lines 32 and 34, substitute "Provincial Fund" for "Proprietary Estates Village Service fund constituted under section 28."

The permission having been given by the Council, the amendment was withdrawn.

The Hon'ble N. Subba Rao.—The amendment I have to propose in section 6 is as follows:—That in sub-section 2, lines 21 and 22, we omit the words "with the previous sanction of the Board of Revenue" and substitute in place thereof "subject to an appeal to the Board of Revenue within three months of the said Collector's order." The difference between the amendment I propose and the wording of the section is that in the one case the proprietor or the village officer concerned has a right to place his views before the Board of Revenue, whereas in the other case the Board of Revenue will look at the question as it is presented by the district Collector. The apparent object of the insertion of the phrase "with the previous sanction of the Board of Revenue" is that the Board of Revenue will have before it all the various views that might be put forward with regard to the alteration proposed under sub-section 1. Therefore if it is the object that the Board of Revenue should come to a

proper decision in the matter, it is only fair that after the Collector's order is passed, the proprietors of the village concerned should be allowed to place their views before the Board of Revenue and the Board of Revenue, after considering the views put forward by both the parties, should give their decision. Therefore the effect of the amendment which I propose is to give a right to the village officers concerned to have their complaints or objections placed before the Board of Revenue. As the section now reads, the proprietor or the village officer concerned has no right to have his objections or complaints heard by the Board of Revenue. It may be urged that there may be cases in which village officers concerned may not appeal and may not bring the matter to the notice of the Board of Revenue and that provision should be made enabling the Board of Revenue entrusted with the general administration of the country, to see that uniform rules are carried out throughout the different villages. The answer is that as the Board of Revenue is vested with powers to frame rules under a succeeding section, they can frame rules in regard to cases where the matter may not be brought to their notice by way of appeal; they may frame a rule to the effect that the Collector may submit the records of his proceedings to the Board of Revenue and take orders from them in such cases only. Therefore that objection, my Lord, is not of such importance as to deprive the village officers and proprietors concerned of their right to appeal. I therefore propose that this amendment be accepted.

The Hon'ble P. RANGAYYA NAYUDU seconded the amendment.

The Hon'ble Mr. H. W. BLISS.—It may be remarked that the Hon'ble Member has now slightly altered the form of the amendment of which he gave notice, but I presume nobody will raise any objection on that account, the object with which he proposed the alteration being precisely the same. As regards what he said, I feel considerable sympathy with him, but I am not quite sure whether the method he proposes will be altogether the most convenient one. I think it is perfectly right that the objections of the proprietors and the village officers concerned should be brought before the Board of Revenue and should be fully taken into account by the Board of Revenue, but it seems to me that the procedure he proposes to adopt will tend to cast an undue amount of trouble upon the persons concerned. They may be in distant districts and their preferring an appeal to the Board of Revenue will cost them considerable trouble, take up much of their time and in all probability land them in a certain amount of expenditure. Therefore I venture to ask the Hon'ble Member whether it would not meet his views if some such modification as the following were made in the wording of the section? He proposes that the Collector should give orders subject to an appeal. But it often happens that the Collector in charge of the district at the time when orders of this kind are issued is a man of small experience and possibly of very slight acquaintance of the district, while at the same time it is very likely that one of the Members of the Board of Revenue may be an officer of lengthened experience and thorough knowledge of the district. Under these circumstances to place power in the hands of the Collector to give orders which can only be upset on appeal is rather going too far. What I would suggest is that we should read the section thus: "If the proprietor or the village officers aforesaid fail to show such cause, the said Collector shall submit the records of the proceedings to the Board of Revenue, and shall then, with the previous sanction of the said Board, declare by notification in the District Gazette such portion of a village or such villages or portions thereof so grouped or amalgamated to be a village for the purposes of this Act and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor." That, it seems to me, will ensure that the

objections of all the parties concerned are laid before the Board of Revenue and—I hope I may say—are carefully considered by the Board of Revenue. If you make such an arrangement as this, it will be to the interest of everybody concerned and it will not put the parties to trouble in appealing. I suggest that the Hon'ble Member may accept the amendment which I have just read out instead of his own amendment.

The Hon'ble N. Subba Rao.—The principle I have been contending for is that the Board of Revenue should allow the proprietors or the village officers concerned the right to have their objections placed before the Board of Revenue. Even as the amendment suggested by the Hon'ble Mr. Bliss stands, it vests no right in the proprietors or the village officers concerned to file their objections before the Board of Revenue.

The Hon'ble Mr. H. W. Bliss.—I may be permitted to interrupt the Hon'ble Member. I proposed in my amendment that the Collector shall submit the records of his proceedings. If you look back to the former sub-section, you will see that the Collector calls upon the village officers to show cause why the villages should not be grouped. It is presumed that they will take advantage of sub-section 1 and will show cause. In that case their objections and representations will be among the records of the proceedings which will be laid before the Board of Revenue.

The Hon'ble N. Subba Rao.—The only difference is that though their objections have been put before the district Collector and are in his records which will be submitted to the Board of Revenue, still the proprietors may have something to say upon the views of the Collector himself to the Board of Revenue. Therefore they must be in a position to place more facts before the Board of Revenue. The right given under this Bill is the right to represent to the Collector, but their views might not at that time be matured. Therefore after hearing the Collector's views and also examining the various views put forward upon the subject, they may still have further views upon the matter to be put before the Board of Revenue. All that I propose is that when the record is sent to the Board of Revenue the party must be allowed a right to have his objection heard. I quite understand that in certain cases the officers may not be well acquainted with the needs of the district and therefore it would be necessary to have the benefit of the advice and experience of the Board of Revenue.

The Hon'ble Mr. J. H. Garstin.—All that you want is a legal declaration that they shall have a right to submit their objections to the Board of Revenue. As it is, they can send in their objections to the Board of Revenue; and though their objections may not be formal, still the Board of Revenue will show every consideration to them; but I have no objection to accept your amendment.

The Hon'ble N. Subba Rao then agreed to the alteration in the amendment proposed by the Hon'ble Mr. Bliss.

The Hon'ble Mr. C. S. Crole.—It seems to me that in the discussion on the subject a great deal is made of the grievance of the proprietors in their relation to the Collector and the Board of Revenue; but the persons particularly affected by subsequent sections are the tenants and ryots. There is no mention of their objections being taken into consideration either in the section as it stands or in any of the amendments proposed. I merely bring it to the notice of the Council.

His Excellency the President.—Does the Hon'ble Member make a motion.

The Hon'ble Mr. C. S. Crole.—I have no motion to make. It just struck me that with regard to the advocacy put forward with regard to the proprietor, and the

argument put forward for the Collector, there is no mention of the third party, who has to be considered.

The Hon'ble Mr. GARSTIN.—With reference to the Hon'ble Mr. Crole's remarks I should like to point out, as I stated in my speech, that, so far as I was able at the moment to give an opinion on the grouping of villages, my impression was, although I could not speak with authority, that the grouping will be so carried out as not to alter the limits of existing villages. The grouping will be for the purpose of increasing the total of collections on which the cess shall be calculated; and therefore it will be merely a matter in which the village officers and the proprietors will be interested and the villagers will not be affected by it in any way. The only change is that they will have one karnam instead of two karnams.

The amendment proposed by the Hon'ble Mr. Bliss was then put to the Council and carried.

The Hon'ble Mr. BLISS.—I wish to point out that, unless we add some words at the end of the section, it will not be right and we shall be placed in an awkward position, because the first thing the Board of Revenue will have will be the representation of the Collector on which they would pass orders; and when an appeal is made they will have to consider their own orders. I think that will be an awkward method of procedure. Therefore I would add "before according such sanction the Board of Revenue shall consider any representations which may be made to it within three months of the Collector's submission of the record by the proprietor or by the village officers aforesaid or by others affected." That would meet the Hon'ble Mr. Crole's objection; and I think that would really be more convenient than the awkward procedure of an appeal to the Board of Revenue against their own orders. If the Hon'ble Member would accept that I think we may take it.

The Hon'ble Mr. GARSTIN.—The result will be that for three months no orders will be passed.

This amendment also was put to the Council and carried.

Section 7.

The Hon'ble N. SUBBA RAO.—The amendment of which I gave notice is—

add "Provided that for every village with an annual income of not less than Rs. 1,500, there shall be at least one of the first and second classes of village officers to which this Act applies."

I may just mention, my Lord, that I gave notice of this amendment in accordance with the provisions of another Act; but as a matter of fact I find that this is a matter of detail and I therefore propose to withdraw it with your Excellency's permission.

Leave to withdraw the amendment was then granted by the Council.

Section 8.

The Hon'ble N. SUBBA RAO.—In this section the amendment I propose is that the words "village accountant to the" and "and" be omitted in line 6. The effect of this amendment is—

The Hon'ble Mr. GARSTIN.—I will not trouble the Hon'ble Member to speak; I accept the amendment.

The Hon'ble P. RANGAYYA NAYUDU.—If that man dies who is to report? If the words "the head of the village" be added, there will be no objection.

The Hon'ble N. SUBBA RAO.—It strikes me that the village accountant is the person on whom the burden of reporting a vacancy caused in a village lies. The duty is cast upon the village accountant under this section. As my Hon'ble friend points out, if the village accountant dies, there will be nobody to report the vacancy to the proprietor or the revenue officer. Therefore I propose that the duty be cast upon the proprietor, as it has been in the previous regulation, viz., XXIX of 1802. He has been discharging the duty for the last 90 years, and I think he is the proper person to report the various vacancies, because he is the person who is going to fill them up. I see no reason why the proprietor should be relieved of the duty which he has been discharging for the last 90 years. I have no objection if any other method can be proposed for carrying on the work properly. I do not see how this duty can be properly discharged by any other than the proprietor himself.

The Hon'ble Mr. H. W. BLISS.—I beg to second the amendment. The alteration proposed by the Hon'ble Member is of very great importance.

The Hon'ble P. RANGAYYA NAYUDU.—A good deal of responsibility and work are now proposed to be thrown on the proprietors. If the proprietors happen to be at a distance from the place where a death has occurred, they will not be able to do the work; therefore the persons that will be on the spot and will be able to give the information will be the village accountant and the karnam. They will be able to give the information at once to the proprietor and the revenue officer. I think it is far better to put in the words "the village accountant" or "the head of the village" than to say that the proprietor should give the information. Suppose the proprietor happens to be 20 miles away from the village, then there will be difficulty to get the information as to deaths; and it will be more easy for the village accountant or the head of the village to give the information. When the information is given to the proprietor, he is bound to appoint a person within a certain time and if he does not do so, the revenue officer appoints any one whom he likes. Therefore it is advisable to ask either of them to do the work and not the proprietor.

The Hon'ble Mr. J. H. GARSTIN.—The Hon'ble N. Subba Rao has two amendments; and I think it will be better to take the two together, because the second amendment helps the first considerably. The Hon'ble Rangayya Nayudu objects to the task of reporting a vacancy either by death or otherwise being thrown upon the proprietor and wants it to be thrown upon the village officers. As the Bill stood when it was referred last time to the Select Committee, the duty was thrown upon the proprietor; and the present amendment was made chiefly out of deference to the views of the Hon'ble Member himself. I agree with the Hon'ble N. Subba Rao that it is a duty that should be thrown upon the proprietor; and if we throw it upon the village accountant, there may be difficulty in getting a vacancy reported in case the village accountant himself dies, because there will be nobody then legally bound to report his death. The proprietor may be absent it is true; but he will be always represented by somebody on the spot. This is practically admitted by the Hon'ble Subba Rao in his next amendment where he wants to insert the words "or by his authorized agent;" so that if the proprietor is not there, his authorized agent will be. I consider this is one of the privileges and duties that belongs to the proprietor's position. I am therefore disposed to accept the amendment of the Hon'ble N. Subba Rao.

The Hon'ble V. Bhashyam Aiyangar.—I should be disposed to support the suggestion of the Hon'ble Rangayya Nayudu that we should amend the section so as to cast the duty upon the village accountant or the head of the village, but the difficulty is this: the Act may not be applied to heads of villages in all the estates. There are three village officers to all or any of whom the Act may be extended; and if the Hon'ble Rangayya Nayudu's suggestion is to be accepted, then it will become necessary on the part of the executive Government to apply this Act to heads of villages in all the estates. That I believe is not intended. It is to be left to the discretion of Government, in consultation it may be with the proprietor, as to whether all the three classes of village officers are to be brought within the scope of the Act or only the accountant or any one of the three classes of village officers. Therefore I submit the difficulty cannot be met as suggested by the Hon'ble Rangayya Nayudu. Therefore I am for supporting the amendment proposed by the Hon'ble Subba Rao, which is substantially the section as it stood before the Bill was referred to the Select Committee.

The Hon'ble N. Subba Rao.—I may just say a word with your Lordship's permission, in regard to the objection raised by the Hon'ble Member. I shall be very happy to relieve the proprietor of the duty cast upon him; but as the Hon'ble Mr. Garstin has explained in his statement, there may be villages in which all the duties of the head of the village and the village accountant may be amalgamated in one officer and therefore if that officer dies, there will be nobody in that village to report the vacancy caused. There must be some one who must be responsible to report the vacancy and it must be the owner himself. There are several difficulties in the way of the Hon'ble Mr. P. Rangayya Nayudu. We have made this Bill for the whole Presidency and we have to take into account the villages where there would be only one officer. To meet the cases of the different parts of the Presidency, only a general provision can be made; and that provision is that the proprietor must be made to do the duty.

The amendment was put to the Council and carried.

The Hon'ble N. Subba Rao.—With your Lordship's permission, in view to remarks that fell from the Hon'ble Mr. P. Rangayya Nayudu, I wish to make another alteration in this very section 8, namely, instead of 15 days it should be 30 days, because the proprietor should make the appointments only within six weeks after the death of the incumbent. One of the objections raised by the Hon'ble Member is that there would be nobody on the spot to report the death if the proprietor on whom we have cast the duty happens to be absent. I therefore propose that the time should be extended to 30 days.

The Hon'ble Mr. Bliss.—I second it.

The Hon'ble Mr. Garstin.—I accept it.

The amendment was then put to the Council and carried.

The Hon'ble N. Subba Rao.—The next amendment that I have to propose in the same section is that in line 6 insert after the word "Proprietor" the words "or his authorized agent."

The Hon'ble Mr. Garstin.—I do not think those words are necessary. The principal party is the proprietor and if he happens to be absent he can get his authorized agent to act for him. I do not think the Hon'ble Member need press his amendment.

The Hon'ble N. Subba Rao.—If that is understood, I do not press it.

The Hon'ble Mr. Bliss.—If you insert the words "authorized agent" in this section you will practically exclude him in every other section.

With the permission of the Council the amendment was withdrawn.

Section 10.

The Hon'ble Mr. Garstin.—I move, my Lord, to add in sub-section (1) a clause (*b*) "has not attained the age of majority;" and in consequence of the insertion of this clause subsequent clauses should be relettered. It is practically by an oversight that in the previous draft Bill these words were not inserted. Obviously majority is one of the qualifications for eligibility to hold office.

The Hon'ble V. Bhashyam Aiyangar seconded the amendment which when put to the Council was agreed to.

The Hon'ble Mr. Garstin.—The next amendment I propose is merely a verbal one; it is that in sub-section 2, line 28, for "Estates" read "Zemindaris." The only object of the alteration is to make it more clear that it is the rule of primogeniture that governs succession in zemindaris, especially in impartible ones, which is to be the guiding principle.

The Hon'ble V. Bhashyam Aiyangar.—I beg to second it.

The amendment was put to the Council and carried.

The Hon'ble C. Sankaran Nayar.—My Lord, I beg to move the amendment which stands in my name, that is, to omit sub-section (1). The Hon'ble Members will see that by section 9 we give to the zemindar the power to make the appointment in the case of any vacancy in any village office. Section 10 imposes certain restrictions; and certain qualifications are made indispensable in the case of nominees. It may seem surprising that I should propose to leave it to the zemindars to make every nomination for the appointment and not insist upon any qualifications. But many of these restrictions are obviously unnecessary; and many of them are obviously indefinite. In either case they are mischievous. The Hon'ble Members will see that under a subsequent section, that is section 16, it is left to the District Collector or the Revenue officer either of his own motion or on complaint and after enquiry, to fine, suspend or remove any village officer for misconduct or for neglect of duty or incapacity as such village officer or for non-residence in the village. Therefore we have, for the purpose of this section, perfect security in the power and authority which is vested in the Revenue officer to dismiss or punish any village officer at any time he likes. So far as the public interests are concerned I consider that this is a sufficient guarantee that the incumbent of the office will be fit to discharge the duties of his office; for otherwise he may be punished at any time. One of the qualifications inserted in section 10, the Council will see, is that no person shall be eligible to the appointment of the village office who is not physically and mentally capable of discharging the duties of his office. That is a very vague clause. I doubt whether any two people will be able to agree as to the mental or physical fitness of a certain individual for a certain post. If that is passed, the result will be that you will leave the appointment, in the case of the hereditary offices to which I particularly refer, entirely in the hands of the proprietors; and that, I consider, is not advisable. From the memorial submitted by the Zemindars' Association and the other papers which have been laid before us, the Hon'ble Members will see that there are many important duties which the karnam, for instance, has to perform, in which the zemindar is very materially interested; and it has been pointed out further by the Hon'ble Mr. Garstin in his statement of objects

and reasons that many of these interests clash with the interests of the ryots. Such being the case I do not think it advisable to leave the power of appointment entirely in the hands of the zemindars. Considering the state of the joint Hindu families it is imaginable that many of the members who are not in the direct line of succession may fairly hope to get the appointment if the man immediately before them is removed and they will try their best to influence the zemindar in their favour. The result will be a good deal of intrigue and a good deal of subserviency in respect to appointments in the case of such hereditary offices. With respect to the head of the village, it is generally on account of the social position attaching to the post that people accept it. But it is not the best way of inducing a man of standing to accept the appointment to leave it entirely to the zemindars either to appoint him or not. The zemindar may consider that the appointment of a man who will not be entirely subservient to him is not advisable. For these reasons I ask the Council whether it is advisable, in the case of hereditary offices, to insist upon the qualifications prescribed in the Bill. I do not see any reason why we should leave in the hands of the zemindars a weapon for the protection of his own interests as against the interests of other classes of people. Clause (*b*) is an important provision, but so far as the other provisions are concerned, they are not of very much importance. The last section in the Bill says that the Board of Revenue may pass any rules they like and it may therefore be left to the Board to direct that appointments shall be made according to certain tests which they may prescribe. I do not think it necessary, therefore, to retain sub-section (1) of section 10. In the case of non-hereditary offices all these provisions are absolutely unnecessary, because if a man is not fit to discharge his duties in the zemindar's opinion, he will not appoint him. I would submit to the Council that, in the case of hereditary offices, it is a very dangerous weapon that we place in the hands of the zemindars, and in the case of non-hereditary offices, it is unnecessary. One qualification is that the person appointed shall not be of the female sex, and I fully agree in thinking that the duties of village officers cannot be satisfactorily performed by a female. But here again, the District officers can refuse to sanction the appointment of a woman; so that in this case also it is unnecessary to refer specially to the disqualification of sex. I propose therefore to omit sub-section (1) as unnecessary and objectionable.

His Excellency the PRESIDENT.—Does any gentleman second the motion?

The Hon'ble the MAHARAJAH OF VIZIANAGRUM.—My Lord,—

His Excellency the GOVERNOR.—Do you second it?

The Hon'ble the MAHARAJAH OF VIZIANAGRUM.—No. I oppose it.

His Excellency the PRESIDENT.— It must be seconded first.

The Hon'ble P. RANGAYYA NAYUDU.—I second it.

The Hon'ble the MAHARAJAH OF VIZIANAGRAM.—It is not a dangerous weapon, because every Collector or a Divisional officer can be appealed to in such cases. This power the zemindar has been exercising from the beginning of these institutions; and the "dangerous weapon" as the Hon'ble Member was pleased to call it, is after all a nominal weapon—otherwise it is no weapon at all. An appeal may be sent to the Collector against the zemindar who would be bound by the decision of the Collector. I do not think that we need delay the Bill by any such considerations.

The Hon'ble C. SANKARAN NAYAR.—I request your Lordship to allow me to explain that if the zemindar refuses to appoint the next man who has a right to be

appointed, there is no appeal. Suppose he refuses to appoint the next man, the Divisional officer has no right to interfere with him.

The Hon'ble S. R. RAMASUBBAIYAR.—Far from placing any weapon in the hands of the zemindars, it really takes away any weapon he may have for purposes not considered desirable. I think it is very undesirable that incompetent men should be appointed. Therefore I disagree with the proposal of the Hon'ble Sankaran Nayar.

The Hon'ble N. SUBBA RAO.—I may just mention that, with regard to the remarks that have fallen from the Hon'ble Mr. Ramasubba Aiyar, I agree with him in thinking that we should be placing a dangerous weapon in the hands of the zemindars if we do not make rules. I submit there must be some rules to guide the zemindars; otherwise their powers will be unlimited and it will work to the detriment of the ryots. Specific rules must be made, so that if the question goes before any Revenue Court, his action might be liable to criticism and enquiry. But if his discretion is unfettered and if he appoints anybody he likes, there is no control vested in any authority to rectify any mistake that he might make. I submit that some rules are necessary. With regard to the first rule, that is accepted as one of the essential conditions; as regards the second rule, it is also agreed that he must not be a minor. As regards the third rule, as to mental or physical incapacity, I think that gives a very wide discretion and places an unqualified authority in the hands of the zemindars; and I would substitute the words "is not disqualified either physically or mentally."

His Excellency the PRESIDENT.—I think you had better confine your remarks to the proposal before the Council.

The Hon'ble N. SUBBA RAO.—So far as my individual opinion goes, there must be some rules to guide the zemindars. That is all I have to say as regards the general question raised.

The Hon'ble Mr. GARSTIN.—My Lord, the principle that underlies this section is that "prevention is better than cure." What is the use of appointing persons with whose qualifications you are not satisfied? Is it, in order to wait until you can find out that a man is not qualified and then have the satisfaction of getting rid of him? I should think that a very much more rational and reasonable method would be that only he who comes up to a certain standard should be appointed. I say it is absolutely necessary that the zemindar's power should be limited by reasonable rules of this character. I say the rules in the Bill are quite necessary and are reasonable; and there is not one of them which with ease or safety can be omitted. The zemindars must be bound not to appoint any person who is not qualified according to every one of the standards herein laid down. It struck me that the Hon'ble Mr. Sankaran Nayar's remarks were, for the most part, all really in support of the rules rather than against them. I do not see in what he said any strong reasons for abrogating the sub-section. I therefore oppose the amendment and propose that the section be retained.

The Hon'ble V. BHASHYAM AIYANGAR.—I may mention that the Hon'ble Sankaran Nayar is under the impression that the zemindar may set aside the next heir on the ground that he is not qualified under sub-section (1) of section 10, and appoint the next in order of succession or anybody he likes; and that if the person so set aside by the zemindar is the next heir, there is no remedy. If my learned friend will refer to Regulation VI of 1831, an amendment of which is now before the Council, he will see that if the proprietor sets aside the next heir and appoints one next to him in succession, it will be perfectly open to the heir to bring a summary suit under Regulation VI of 1831 or under the law which may be passed amending the Regulation VI of 1831. It is proposed that in the suit which he may so bring before whichever

tribunal it may be, he should bring a certificate from the Divisional officer to the effect that he is not disqualified under this section. The subsequent portion of this section does not leave the right of choice absolutely in the zemindar. The zemindar is bound to appoint the next heir unless he is disqualified, but if the immediate heir is disqualified, the zemindar is bound to choose the next person in order of succession who is not disqualified. If the zemindar should think that the next heir is disqualified and thus supersedes him, then notwithstanding that the nomination made by the zemindar of the person next in order of succession is not vetoed by the Divisional officer, it will be perfectly open to the next heir, if he is not really disqualified, to bring a suit and establish his right to recover the office. Therefore I submit that too much power is not given to the proprietor; for the proprietor cannot refrain from appointing the next heir if the next heir is qualified. If the person who is to be appointed by the zemindar were his own private servant, he should no doubt be the only judge of his competency to the office. The Legislature need not take the trouble to describe the qualifications in such a case. But the office is a public one in which the zemindar, as well as the tenant and the Government are interested; and therefore I submit that it is absolutely necessary that it should not be in the power of the zemindar or anybody else to appoint a person who is disqualified under sub-section (1). Even under the present regulation, the zemindar may pass over the heir if he is incapacitated. The Regulation XXIX of 1802 provides that the zemindar may supersede the heir if he is incapacitated, but under the regulation he has to bring a suit to establish the incapacity by a judicial decision before the zilla judge and then only he can supersede the heir and appoint somebody else to the vacancy. Therefore this principle of incapacity as disqualifying a person to hold an office, notwithstanding that he is the heir-at-law, is not an innovation introduced by the Bill; but that provision has been recognized from the beginning of this century. We thought that instead of driving the proprietor to a suit to establish before a court that the heir-at-law is incapacitated he may *primâ facie* be allowed to exercise his own judgment and pass over the next heir if in his opinion he is disqualified. But that will not be absolute. Even if he in the first instance passes over the heir-at-law because in his opinion he is disqualified, that is not final. I submit that this principle is sound and is in accordance with the existing law. I therefore oppose the Hon'ble Sankaran Nayar's amendment.

The Hon'ble Mr. C. S. Crole.—I rise in opposition to this amendment on somewhat different grounds from those of the Hon'ble Bhashyam Aiyangar. It seems to me that the Hon'ble Sankaran Nayar's amendment simply propagates strife and perpetuates a state of chaos. I, as an officer connected with the administration of the revenue of this Presidency for many years, hail this sub-section as an advance from darkness into light. I look upon it as the promotion of the Standing Orders of the Board of Revenue from their present humble position into a membership of the body of substantive law. I think that everybody who looks upon it in the light on which a Revenue officer would look upon such things, must hail with delight the neutralization and obviation of all possible contention and doubt as to who are and who are not eligible for village appointments.

The Hon'ble C. Sankaran Nayar.—My Lord, I wish to add very few words in reply. It seems to me that most of us, including the Hon'ble Mr. Garstin and the Hon'ble Bhashyam Aiyangar, are agreed as to the principle that restrictions should be placed on the power of the zemindar in appointing the village officers. What I tried to point out—perhaps I did not do so clearly—was this: that far from placing any

restrictions on the power of the zemindars the Bill increases it. As the Hon'ble Bhashyam Aiyangar remarks, at present you have to go to a Civil Court to get rid of a village officer if he is either guilty of misconduct or unfit to hold the appointment. But in future the zemindars will have power to say whether a village officer is mentally or physically capable of discharging the duties of the office or not. All I say is that the restrictions prescribed are illusory. The Hon'ble Members will see that by the removal of this sub-section (1) the zemindar will be compelled to appoint the next heir who may be removed by the Revenue officer if he is unfit to hold the office. As for the Hon'ble Mr. Crole's objection, instead of putting an end to strife, this is the very clause that will give rise to it. The question can be raised in four places—firstly before the zemindar, secondly before the Revenue officer, thirdly before the Collector, and fourthly before the Board of Revenue—whether a man is physically or mentally capable, a circumstance on which very few people come to one and the same conclusion.

The amendment was then put to the vote and lost.

The Hon'ble P. Rangayya Nayudu.—I propose in sub-section (1), line 10, to omit clause (*b*). This is as regards physical or mental capability. This is so vague that there will be clashing between the Revenue officer and the proprietor. The proprietor may say that a person is physically and mentally fit, while the Revenue officer may say the reverse. Who is to decide it? How are we to find out a man's mental capabilities? Are we to send the person to a doctor and to ascertain whether he is mentally or physically fit? It is only to avoid this difficulty that I propose this amendment. It will be to the interest of the zemindar to select a person that is mentally and physically capable, because the greater portion of the work of the accountant is on behalf of the proprietor and he would not be so foolish as to appoint an incapable man. The great difficulty will be that there will be frequent differences of opinion between the Revenue officers and the proprietors.

The Hon'ble C. Sankaran Nayar seconded the amendment.

The Hon'ble Mr. C. S. Crole.—Under clause (10) of section 32 the Board of Revenue has power to make rules on this subject.

The Hon'ble Mr. Bliss.—My Lord, I am afraid it is impossible to support the amendment of the Hon'ble Member. It is very necessary that the person who is to be appointed should be physically and mentally fit to discharge the duties of the office. As to his objection, as to who is to decide, in case there should be a difference of opinion between the Revenue officer and the proprietor, he will find, if he will examine the Act, the proprietor has the right of appeal to the Collector. I need hardly say that the Collector will act as a judge in this matter; and being absolutely ignorant of the qualifications of the man, he will take into consideration all that is said on both sides. I may point out that the procedure that the Hon'ble Member takes objection to has been the procedure for many long years—I cannot say for how many years, it must be for nearly 30 years. This has always been the procedure, when the Tahsildars forward the nominations of village officers in Government villages. It is an understood thing that if a man is either physically or mentally unfit, he is not appointed. If there is a difference of opinion between the Tahsildar and the Revenue officer in charge of the division, the opinion of the latter prevails. As to laying down an accurate standard of physical or mental fitness, it is obvious that the physical fitness required for a policeman is quite different from the physical fitness required for the

head of a village, and the mental fitness required for the head of a village is different from the mental fitness required for a karnam who has to keep accounts and must therefore be a man of fair education.

The Hon'ble Mr. GARSTIN.—My Lord, I am sorry I cannot accept the amendment. I am quite sure that the Hon'ble Member does not for a moment propose that a blind man or a man without legs should be appointed. It will be merely a question as to whether a man is physically fit or not, which can be easily decided by any person of ordinary mental capacity.

The Hon'ble N. SUBBA RAO.—I rise, my Lord, to state that the clause as it stands is very vague and leaves very wide discretion in the hands of the zemindars, and by the succeeding section also in the hands of the Divisional officer and the Collector. I understand from the remarks that have fallen from the Hon'ble Mr. Garstin that the object of the section is that those who are disqualified either physically or mentally should not be appointed to these offices. It is clear from section 11 that the Revenue officer in charge of the division is empowered to veto the appointment of a person who is disqualified under this section. I submit there is a distinction between a person who, according to the standard of the zemindar, is not qualified and one who is not physically and mentally disqualified from discharging the duties of the office. The alteration, I propose, is "that he is not disqualified either physically or mentally." If a man, who is not disqualified either physically or mentally, is appointed and he cannot discharge the duties properly, under section 16 ample powers are vested in the Revenue officers to dispense with the services of that person. To give such a wide discretion as is given in this section is fraught with very dangerous consequences, and the section as it stands gives arbitrary discretion to persons who have the power of appointment. I therefore wish to limit that discretion by the use of specific words "is not disqualified either physically or mentally"; that would meet the view of the Hon'ble Mr. Garstin, namely, that a blind man or a man without legs or any man with incapacity, either physical or mental, will be disentitled to hold the office though he has a right to it.

His Excellency the PRESIDENT.—Apparently the distinction is a very slight one.

The Hon'ble N. SUBBA RAO.—My Lord, I am afraid there is a wide distinction.

The amendment that sub-section (*b*) be omitted was then put to the Council and lost.

The Hon'ble Mr. BLISS.—Before we proceed to the next section I wish to point out that the wording of sub-section (*c*) is not quite clear. I therefore venture to suggest that this should be "Has not qualified according to the educational test prescribed for the office in question."

His Excellency the PRESIDENT.—The Hon'ble N. Subba Rao has brought forward a verbal amendment to sub-section (*b*), namely, "is not physically or mentally disqualified."

The Hon'ble N. SUBBA RAO.—It is "is not disqualified either physically or mentally."

The Hon'ble V. BHASHYAM AIYANGAR.—What for? Is it for succession?

The Hon'ble N. SUBBA RAO.—To carry out the objects of this section.

The Hon'ble V. BHASHYAM AIYANGAR.—I do not understand what the amendment is. Is the disqualification for inheritance according to Hindu Law, or for the discharge of any duty?

The Hon'ble N. Subba Rao.—The section says that no person shall be appointed for any of the village offices unless he has certain qualifications. It is understood the qualification is for discharging the duties of the office.

His Excellency the President.—Then you had better say so in the amendment.

There being no seconder, the amendment fell through.

The Hon'ble Mr. Bliss' amendment of clause (c) was then put to the Council and carried.

Section 11.

His Excellency the President.—I see the Hon'ble C. Sankaran Nayar has an amendment in regard to this section "that the whole of this section be omitted." If that motion is carried, there is no necessity for us to go into amendments.

The Hon'ble Mr. Bliss.—I beg to point out that this is consequential on the last amendment. His last amendment not having been carried, you cannot leave out section 11 without making nonsense of the Bill.

The Hon'ble C. Sankaran Nayar.—Quite so.

With the permission of the Council the amendment was withdrawn.

The Hon'ble P. Rangayya Nayudu.—I propose in sub-section 2, line 30, to substitute "District Collector" for "such officer," who is the Divisional officer. I beg to state that the Divisional officers have now multifarious duties to attend to and their work is day after day increasing; and therefore I do not think that they would be able to discharge these duties satisfactorily. Further, these Divisional officers are gentlemen that move from place to place and consequently all the suitors and witnesses are put to the greatest inconvenience in their being compelled to move after them. I know many cases in which the Divisional officers have not been able to dispose of cases for many years. In small cases where there was an attachment of cattle so great was the delay that at the time when orders were issued for sale there were found only the horns and skins of animals attached. Consequently we cannot expect them to do their work satisfactorily. This will be throwing on them an additional amount of work, when they are not able to cope with the discharge of their duty at present. Further, the Divisional officer may be a young Assistant Collector with little experience of the district; and as the District Collector possesses great experience he will be able to do justice to the people better than the Divisional officer. It may be said that the jurisdiction of the District Collector is larger than that of the Divisional officer; but generally the District Collector does not move about so often as the Divisional officer does and is more stationary than the Divisional officer. I can give instances in which the parties were put to greatest inconvenience by the Divisional officer moving from one place to another. He adjourned the cases to a place 30 miles off and then 40 miles and then another 40 miles; and in some cases I know from experience that the parties are dragged by the Divisional officers four times from place to place. In the one instance two parties came with their witnesses and vakils; and when the Divisional officer went to Saidapet, the vakils disappeared and witnesses were there; and at Minjur, 40 miles off, witnesses disappeared and only the parties were there. Under these circumstances, it is safer to leave it in the hands of the District Collector than in those of the Divisional officers.

The Hon'ble N. Subba Rao.—I second it.

The Hon'ble S. Srinivasa Raghavaiyangar.—My Lord, I beg to oppose this amendment, and as the principle that underlies it applies to several other amendments of which the Hon'ble A. Sabhapati Mudaliyar has given notice, I wish to state my

reasons at some length. Under section 9, the proprietor has to report an appointment made by him to the Revenue officer of the division. That provision is left intact; and under clause (1) of section 11, the Divisional officer has power to disallow, for reasons to be recorded in writing, the appointment made by the proprietor. The proprietor, if he is dissatisfied with the decision arrived at by the Divisional officer, can appeal to the Collector, or if he is satisfied, he can appoint another duly qualified person. If the proprietor would neither prefer an appeal nor make a new appointment within the time prescribed by law, the section, as it is worded, gives power to the Divisional officer to make the appointment himself. Now, the object of the amendment is to take away this power from the Divisional officer and vest it in the Collector. I submit that there is no sufficient reason for this. When the Divisional officer can disallow the appointment and has done so, and when the proprietor has not exercised his right of appeal or of making a new appointment, it seems to me that it stands to reason that the Divisional officer should not be prevented from making the appointment himself. Apart from this consideration, I submit that on administrative grounds it is of the highest importance that detailed work in connection with the decision, in the first instance, of petty cases should not be thrown upon Collectors who have very heavy work in the way of supervision to perform. The cases that are likely to arise under the provisions of this Bill will relate mostly to claims to such petty offices as taliaris, &c., not only in zemindaris but also in inam villages, of which there are large numbers in each district; and if the duty of deciding such cases be thrown upon Collectors in the first instance, the decisions will have to be given on the results of enquiries made and reports furnished by the Divisional officers themselves. It seems to me that it would conduce to public convenience and ensure correct decisions if the cases were decided by the Divisional officers themselves in the first instance on their own responsibility, and parties aggrieved were allowed a right of appeal to the Collector. In this connection, I may point out that districts in this Presidency are of such great size that they have been compared to divisions under the charge of Revenue Commissioners in Northern India; and the aim of Government of late years has, I believe, been to relieve Collectors of detailed original work in order that they may devote the whole of their attention to supervising the work done by the subordinate officers placed under them and move freely within their districts and acquaint themselves fully with the condition and wants and requirements of all parts of the districts. It should be remembered also that Divisional officers are not an inferior class of officers. As magistrates of the 1st class, they are vested with large criminal powers over the proprietors themselves; and as revenue officers, they can exercise in their divisions all the powers of a Collector under Regulation VII of 1828. Take, for instance, the case of Madura; if the Collector were saddled with the detailed work of inquiring into and deciding claims to petty village offices in zemindaris and inam villages, he would virtually be performing the duties which now devolve on the Head Assistant Collector in charge of the zemindari division and would have little or no time to devote to questions affecting the general administration of the district. Furthermore, such an arrangement would cause great hardship to the parties themselves who would have to carry their appeals to the Board of Revenue. If, for any special reasons, the Collector considers it desirable that any particular class of cases in an important proprietary estate should go to him instead of to the Divisional officer, there is nothing to prevent his taking up the cases himself; but I submit that it would be productive of serious inconvenience and hamper the Collector's usefulness greatly if he were to be compelled to inquire into all these cases in the first instance. The inevitable consequence of such an arrangement would be that the

Collector would not be able to perform these duties without neglecting far more important duties. As regards the Hon'ble Mr. Rangayya Nayudu's observation that the Collector could be more easily got at parties than Divisional officers who have to tour constantly within their divisions, I beg to differ from him altogether. The Collectors are expected to tour even more than Divisional officers, and as the ranges of Collectors are several times as large as those of Divisional officers, I should think that the inconvenience to parties and witnesses must be very much greater if Collector were to decide the cases than if Divisional officers were to decide them. For these reasons, I beg to oppose the amendment.

The amendment was put to the Council and lost.

The Hon'ble P. RANGAYYA NAYUDU on behalf of the Hon'ble A. Sabhapati Mudaliyar requested permission to withdraw the following amendment :—

> in sub-section 3, line 35, after the word "section" to omit "An appeal shall lie to the District Collector within one month and, if the officer disallowing the appointment is the District Collector".

The Hon'ble N. SUBBA RAO.—My Lord, in the previous section we have laid down rules as to how the zemindar should select persons to fill vacancies that are created in the estate; in this section it is proposed to curtail his discretion and vest, as it were, a double veto in the Revenue officer of the division; and after his double veto the Revenue officer of the division should make the appointment himself. This is the substance of section 11. An appeal is given by sub-section (3) against the orders of the Revenue officer of the division or the Collector, disallowing an appointment made by the zemindar. The only aspect I wish to present to the Hon'ble Members of the Council in connection with this section is whether it does not altogether nullify the power of appointment vested in the zemindar under this Bill—the power of appointment vested in him under Regulation XXV of 1802, under which he has the power of appointing the karnam. It may so happen that the appointment made by the zemindar in the exercise of his discretion might be set aside by the Revenue officer of the division, as there is no standard to determine the fitness of the incumbent to the office. In section 11 no provision is made with regard to the enquiry to be made by the Revenue officer. There is no sending of notices to the parties, no taking of evidence, and no enquiry worthy of the name. What guarantee is there that the appointment made by the zemindar will be set aside by the Revenue officer in a judicial manner? So long as there are no safeguards for the exercise of this discretion, it is idle to say that the zemindar, under this Bill, has got the power to make these appointments; and it will be simply violating the terms of Regulation XXV of 1802. It is far better to take away this nominal power. I may point out as an instance to your Lordship that if the Revenue officer takes a dislike to a particular family of village officers, he may conscientiously and in the *bonâ fide* exercise of his discretion think that any member selected out of that family is not physically or mentally fit. There are no rules laid down as regards the exercise of that discretion. I submit, so long as this section stands as it is, it is one of the most dangerous provisions, and you practically take away the powers given to the zemindar under a previous section. The Revenue officer is the person that makes the appointment after vetoing the appointment made by the zemindar; and when an appeal is made to the District Collector, how can the order be set aside if the Divisional officer says "I saw the man and he is not fit." The section as it stands is very dangerous, and instead of going through the formalities of giving the power under one section and taking it away under another, we might fairly and clearly take away the power

of appointment from the zemindars and vest it absolutely in the Revenue officer of the division. Besides that, my Lord, I wish to draw your attention to the fact that the village officer who is held to be disqualified by the Revenue officer has no other remedy whatever; he cannot ask that his fitness for the appointment be judicially enquired into before a judicial officer in a summary trial. I contended at the last meeting of the Council that unless we had the provisions of the Hereditary Succession Bill before us we could not satisfactorily determine the reasonableness of the various provisions of this Bill. Fortunately, since the last meeting, the Hon'ble Members have received a copy of the report of the Select Committee in connection with that Bill, and I find that, with regard to the first essential condition for filing a summary suit before the Revenue officer of the division, the claimant must produce a certificate of fitness from the District Collector. Now this is not the place to criticise the provisions of that Bill. Taking the section as it is, we find that, with regard to the class of officers who are entirely passed over by the zemindar, that is those whose names are not submitted to the Revenue officer of the division, there is no enquiry worth the name. They must go to the Collector and get a certificate of fitness before filing a suit. There is no provision in the Bill as to how the certificate is to be given, whether the discretion given to the Collector is subject to any control and whether that is to be exercised in open Court after hearing the parties. The class of officers who are declared to be disqualified by the Revenue officer is placed upon a higher footing than the other class of officers. They have a right to appeal to the higher officer. Even with regard to them, there is no provision whatever as to how the discretion given to the Collector is to be exercised. Therefore I submit that clause (1) of this section be omitted, and the cognate verbal amendments be made in clauses (2) and (3). It may be said that if the discretion of the zemindar is not controlled, as laid down in this section, what is the remedy for the class of officers who are passed over by the zemindar? That would be the first objection that would be raised against my proposal. With regard to that, the remedy is by a summary suit under the other Bill. That Bill, I submit, must be modified to a great extent, and the class of officers who are passed over by the zemindar should be given the right of having their fitness tested by a proper inquiry. I say that if we omit clause (1) of section 11, you place the class of officers who are passed over by the zemindar on the same footing as that of the other, *viz.*, that they can file a suit before the Revenue officer and have their fitness to hold the office determined in a judicial enquiry. As the section stands, there is an invidious distinction between the two classes of officers. With regard to the class of officers passed over by the zemindar, there is no remedy whatever. The discretion of the zemindar becomes absolute subject to the discretion of the Collector who has to give a certificate. The discretion of the Collector is not controlled by proper safeguards. With regard to the other class of officers, there is the discretion of the Revenue officer controlling the discretion of the zemindar. In either case there is no proper standard for determining one's fitness. What I contend is, if you wish to give the controlling discretion to any officer other than the zemindar, that discretion must be safeguarded by proper enquiry, notices to parties, and various other processes which are observed in connection with the suits. Therefore I propose—

to omit sub-section (1).

in sub-section (2), lines 23–25, to omit the words "or the notice of the new appointment referred to in sub-section (1)".

in sub-section (2), lines 26–29, to omit also the words from "or if the person newly appointed" to "as aforesaid".

I request your careful consideration in this matter. What I say is that the class of officers who are first of all held to be disqualified by the zemindar have no remedy for determining their fitness to office, which they and their ancestors have held for centuries; and with regard to the second class of officers, there is no standard by which the Revenue officer should control the discretion of the zemindar. I contend therefore that these provisions take away the power vested in the zemindars which we have no right to take away—the power which they have exercised for the last one century.

The Hon'ble P. Rangayya Nayudu seconded the amendment.

The Hon'ble the Maharajah of Vizianagram in opposing the amendment observed that the statement that the officers passed over by the zemindar were deprived of a right which they and their ancestors had exercised for the last century passed his comprehension. He did not think that that section introduced any innovation. The power of veto vested in the Divisional officer to which his Hon'ble friend N. Subba Rao had taken objection was simply what had been exercised hitherto by the Collector himself. He therefore thought that the amendment portended an imaginative evil.

The Hon'ble V. Bhashyam Aiyangar.—I am certainly not in favour of omitting sub-section (1) of section 11 as proposed by the Hon'ble N. Subba Rao. I think if it is made incumbent upon the Revenue officer that in cases in which he has reason to believe that the person nominated is disqualified under sub-section (1) of section 10, he should give the proprietor notice and after inquiry veto the appointment, that ought to be enough. I suppose if we insert the words "after giving notice to the parties concerned and after making inquiry," after the word "appointment," in line 9 of clause (1) of section 11, that would meet the case. If the Hon'ble N. Subba Rao would accept that amendment, I am prepared to second it. I think in reality the grounds of disqualification prescribed by sub-section (1) of section 10 are not such as demand any elaborate judicial investigation or enquiry (hear, hear). I think it is essentially an administrative matter; and I cannot understand why the Revenue officer or the Divisional officer or the Collector is not as competent as, if not moreso, than the District Munsif or the Sub-Judge or the District Judge or even the High Court in second appeal, to determine whether a person has passed the prescribed test, and whether he is physically and mentally capable of discharging the duties. So far as the clause (*d*) of section 10 is concerned, it was advisedly put in that elastic way, so that conviction by every kind of offence may not operate as a disqualification for office. The clause (*e*) says—

"has been convicted by a Criminal Court of any offence which, in the opinion of the Revenue officer in charge of the division or of the District Collector, disqualifies him for holding the office."

Therefore I entirely dissent from the Hon'ble Subba Rao's statement that the person is left altogether without any remedy; and that if the zemindar's nomination is vetoed by the Divisional officer, he has no further remedy. It will be remembered that the authority of the Divisional officer is purposely restricted; he must record his reason if he considers a person to be disqualified under sub-section (1) of the preceding section. No doubt the Divisional officer has a right to veto; but that veto is restricted by one or other of the causes mentioned in sub-section (1). Moreover he is given the right of appeal to the Collector. Suppose, as the Hon'ble Member says, this is to be enquired into in a Court of Justice, of course the same thing will have to

be done. There will be an appeal from one Judge to another. I say the disqualifications herein prescribed, especially the disqualifications mentioned in (*c*) and (*e*) of section 10, cannot be judicially determined. They are matters which can be satisfactorily determined only from an administrative point of view. Now if we require a Judge to determine judicially whether a person is physically or mentally capable of discharging the duties of some village office, he must first of all know the duties of the office which are more likely to be familiar to the Divisional officer and the Collector than to the District Judges and Subordinate Judges. Therefore I submit that the rights of parties are sufficiently safeguarded. If the nomination made by the proprietor is vetoed capriciously on a ground which is not sufficiently made out, he is given the right of appeal to the Collector. There is no reason to believe that either the Divisional officer or the Collector will act otherwise than in accordance with the provisions contained in sub-section (1) of section 10. But I do admit that it would perhaps be desirable that, as a matter of procedure, the Divisional officer should, before he vetoes an appointment, give notice to the parties concerned, namely, the proprietor and the person nominated, so that they may appear before the Revenue officer and satisfy him that the person is physically and mentally capable of discharging the duties of the office or the conviction which took place was of an offence which ought not in the opinion of the Revenue officer disqualify him for holding the office. Therefore to that extent, I believe it will be proper to say that the party, in regard to what he has to say as to his mental and physical fitness, should be heard. Do you accept the amendment?

The Hon'ble N. SUBBA RAO.—There is a slight difference.

The Hon'ble V. BHASHYAM AIYANGAR.—In lieu of the amendment proposed by the Hon'ble N. Subba Rao, viz., omit sub-section (1) of section 11, I propose that in section 11, clause (1), line 9, after the word "appointment" insert "after giving notice to the parties concerned and after making inquiry."

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—My Lord, I beg to second this amendment and, in doing so, to make the following observations: The great peculiarity of this Bill is that it is an attempt to reconcile various conflicting considerations. We have, in the first place, to provide an efficient village establishment for protecting the rights of the ryots. The village officers have, at the same time, important duties to perform to the zemindars also. Again, the Government, not only as guardians of general welfare, but also for the protection of the revenue derived from the estates under the permanent settlement, is interested in these village offices being maintained in an efficient state. There is further another consideration to be borne in mind. Certain families have, through a long course of years, acquired hereditary rights to the village offices. These rights, however, were never acknowledged to be on the same footing as rights of private property; administrative necessities were always allowed to over-ride them, and it was only where the person having the right to hold the office was fit to hold it that the hereditary principle was recognised. Latterly, perhaps, the tendency has been to allow more weight to questions of title and to abridge the discretion vested in the Revenue officers to set aside hereditary title on grounds of administrative convenience. At the same time modern requirements, in the way of improved administration, necessitate that guarantee should be provided for the efficiency of the village officers. Now, I take it, that the Bill seeks to reconcile all these conflicting considerations. If you place the power of appointing, dismissing or otherwise punishing the village officers entirely in the

hands of Government officers, no doubt it will effectually protect the rights of the ryots, but then the proprietors will be prejudiced to a certain extent, because village officers keep the accounts on which the rent-roll of the estates is based and measures for the recovery of the rents due to the proprietors have to be taken on information supplied by the village officers. It is in view of this, and because under the terms of the sanad of permanent settlement, the power was given to zemindars to nominate the karnams of villages that the power of appointment is left with them. Further, a certain amount of disciplinary power is also given to the proprietors over the village officers. Village officers, however, cannot be entirely placed under the control of proprietors either, for, if this were done, the rights of the ryots and the correct maintenance of records of rates of rent to be appealed to in case of disputes as to rents payable would be jeopardised. What I wish to bring to the notice of the Council is that there being so many conflicting considerations to be taken into account, it would not be possible to frame a Bill which would be perfectly satisfactory if looked at exclusively from any one point of view. While the Bill vests in the proprietor the power of appointment to a village office, it seeks to control the arbitrary exercise of that power by a series of provisions. For instance, there is now a great deal of doubt as to whether a female heir having hereditary right should be considered as being disqualified to hold a village office. The High Court, in the case of zemindari karnamships, has held that female heirs are disqualified. In similar cases which have arisen in Government villages, the Board of Revenue, on the other hand, has decided that the hereditary title of even a female heir should be respected. The Bill puts an end to this doubt by declaring that a female shall, as such, be considered to be disqualified to hold a village office. Then again, the High Court has decided that when a person having a hereditary right to a zemindari karnamship is a minor at the time the office is vacant, he shall be held to be permanently disqualified. The Bill provides that the disqualification shall cease with the minority. Subject to these and other provisions defining the conditions under which the right is to be exercised, the proprietor is given the right of nomination to village offices. The Divisional officer, in the interests of the ryots and of the general public, is, at the same time, empowered to veto the appointment made by the proprietor of a person who is unfit to hold the office, the reason being that while it is intended that hereditary rights should be respected as much as possible, considerations of administrative efficiency cannot be altogether ignored. I quite agree with the Hon'ble N. Subba Rao and the Hon'ble Bashyam Aiyangar that when it is intended to disallow the hereditary right of a person on the ground of his unfitness to hold an office there should be a regular inquiry and evidence taken and recorded as to the objections brought forward so as to make it possible for authority to whom an appeal is preferred against the Divisional officer's decision to form a correct judgment as to the sufficiency of the grounds on which the decision is based. The Civil Courts are not, however, the proper authorities to decide such questions, because, not being acquainted with the details of administrative work, they cannot be expected to decide upon the fitness of a person to perform the duties of a public office. I admit that if hereditary rights are to be considered as being on the same footing as private rights, it would be desirable to leave questions regarding them to be litigated in the Civil Courts, as such Courts have greater facilities than Revenue officers for the investigation of such questions. The office, however, exists for the due performance of public duties, and though certain families of influence may have acquired the privilege to hold the office, still, in the interests of good administration and public welfare, the efficiency of the office must form the main consideration. The arbitrary exercise by the Divisional officer of the power to set aside hereditary

right is controlled and provided against by an appeal being allowed to higher Revenue authorities against his decision; and if all the authorities appealed to agree in considering that a person having hereditary right is unfit to do the duties of the office, the decision should be accepted and private interests be made to give way to public interests. With these remarks I beg to second the Hon'ble Bhashyam Aiyangar's amendment by which it is intended to provide safeguards against the arbitrary exercise by Divisional officers of the power vested in them by requiring them, before they disallow an appointment, to make a formal enquiry, hear objections and record evidence.

The Hon'ble the MAHARAJAH OF VIZIANAGRAM.—The amendment which has been proposed by the Hon'ble V. Bhashyam Aiyangar and seconded by the Hon'ble Member who preceded me consists in adding the words "after giving notice to the parties concerned and after making enquiry." When the Divisional officer is required to record his decisions, it will of necessity meet the requirements of the case. I do not think the amendment of the Hon'ble Bhashyam Aiyangar will mend matters. I consider the amendment unnecessary and think that the thing should be left as it is.

The Hon'ble N. SUBBA RAO.—I beg to say a word or two in regard to what has fallen from the Hon'ble Mr. V. Bhashyam Aiyangar and the Hon'ble Mr. Srinivasa Raghavaiyangar. The amendment proposed is a substantial improvement upon the section as it stands, because it controls the discretion which is at present rather arbitrary, by necessary safeguards of inquiry. But I wish to point out that while sufficient provision is made with regard to officers whose appointments are vetoed by the Collector, we find in this Bill no provision whatever with regard to officers who are passed over in the first instance by the zemindars themselves. In the case of officers who are said to be disqualified by the Divisional officers, no doubt the various suggestions made by the Hon'ble Mr. Bhashyam Aiyangar are very good and excellent. But the Bill does not make similar provisions with regard to the discretion exercised by the zemindar himself. What is the remedy for the class of officers who are passed over by the zemindar himself? At present, as far as I can see, there is no provision in this Bill.

The Hon'ble Mr. GARSTIN.—Regulation VI of 1831 provides for it.

The Hon'ble N. SUBBA RAO.—That provides that those officers passed over by the zemindar should go to the Collector, take a certificate of fitness from him and file a suit as regards inheritance. The question of deciding the fitness is vested in the Collector only and no other officer; therefore the important question with regard to the class of officers who are passed over by the zemindar still remains; and no provisions are forthcoming in this Bill in regard to the protection of the rights of the village officers passed over by the zemindar. It is now admitted that the Revenue officer exercising that discretion must hold a regular enquiry and his decision must be subject to an appeal to a higher authority. Unfortunately there is no such provision with regard to District Collector; and the absence of the provision with regard to the class of officers passed over by the zemindar places these officers at a greater disadvantage than the other class of officers. That is the reason I said that unless we had all the provisions relating to the various classes of officers, we cannot satisfactorily go through these provisions. So far as the suggestion of the Hon'ble Mr. V. Bashyam Aiyangar is concerned, it substantially protects the rights of the village officers disallowed by the Divisional officer. It is not the rights of the zemindars that we care for, but it is the rights of village officers, who, in a majority

of cases, have hereditary rights. In regard to the observations that fell from the Hon'ble Bhashyam Aiyangar and the Hon'ble S. Srinivasa Raghavaiyangar that it is a purely administrative matter and that this is not a matter that should be the subject of a judicial enquiry, I would refer them to Regulation XXIX of 1802 where the question of the fitness of village officers is subject to an enquiry in a Civil Court. It will be found there that the village officers have a right, if they are passed over by the zemindar, to go to a Civil Court; and if they are held disqualified by the first Civil Court, they have a right to appeal to the highest Court in the land. Such is the way in which the hereditary rights have been protected during the last 100 years. Is it not right that they should be protected in this Bill? Unless other provisions are forthcoming, I say it is far better to leave out this section. In all the corresponding Regulations, you allow him to file a suit for determining his right to the office. That discretion being now vested in the Collector, the right of inheritance is the only question in the summary suit; but what I say is when there is a summary suit, this question of fitness should be one of the points which might be heard by the Revenue Court, because the parties will then have the satisfaction that there has been a regular enquiry, and that there was no arbitrary discretion exercised by the zemindar, and that if their hereditary rights have been passed over, they have been rightly passed over. I do not think that the whole discretion should be left to the zemindar, but it should be controlled by the Revenue Courts, which is practically allowed to be done by the amendment proposed by the Hon'ble V. Bhashyam Aiyangar. The only difference is in the one case the enquiry that is held is not called a suit, whereas in the suggestion I make it will be called a suit.

The Hon'ble Mr. H. W. BLISS.—My Lord, as far as I can understand the argument of the Hon'ble Member it is entirely directed to the maintenance of safeguards. He proposes to omit the first clause in order to omit certain words in the second clause. The result of that would be that the zemindar would be left the master of the situation. There will be no power to disallow the appointment or to put any control upon him whatever, except in one event. I must say I cannot hold with that argument, and I do not see what the argument is directed at. It seems to me the matter is a simple one. The zemindar has to make an appointment on certain principles; he has to report that he has made the appointment, and when he has done that, the report goes before the Revenue officer in charge of the division, whose duty it is to see that the appointment has been made by the zemindar in accordance with the principles laid down in the Act; and if the Revenue officer should be of opinion that the appointment has not been made in accordance with those principles, he has to record his objections and call upon the proprietor to make another nomination. It seems to me that is plain sailing. I do not see any reason why you should give the proprietor the power to make the appointment without that sort of check. There must be somebody to see that the proprietor has complied with the terms of the law. So far as I am concerned, I must vote against the Hon'ble Member's amendment to leave out that clause. As regards the proposal of the Hon'ble V. Bhashyam Aiyangar, he proposes to insert the words "after giving notice to the parties and after making inquiry." The effect of that will be to create an immense amount of work without any corresponding advantage. If the Hon'ble Gentleman will look at the first clause of section 10, which is an important one, he will see that there are five rules to be followed in the appointment of village officers. There is no probability of any dispute to four out of these five. There can be no dispute whether a person is or is not of the male sex, whether if he is of age

or not, whether he is qualified by an educational test or not, and whether he has been criminally convicted or not. Practically the only dispute that is likely to arise is in connection with clause (*c*)—as to whether a person is physically or mentally capable of discharging the duties of the office. In that one case only it would perhaps be desirable that the Revenue officer in charge of the division should give notice to the parties and make inquiry. In the other cases, I do not think that any inquiry is necessary.

The Hon'ble V. Bhashyam Aiyangar.—I accept that.

His Excellency the President.—As far as I can gather from what the Hon'ble Member said, I understand him to say that it is quite possible that as the matter now stands, even after accepting the Hon'ble Bhashyam Aiyangar's amendment, there will be a class of officers who may suffer injustice. For instance, there may be two officers in a village, A and B; of these the zemindar might select B and pass over A on the ground that he is physically incapable, though he is really capable and is the person to be appointed under the rule of succession. There is no remedy provided for this case. If that is so, the proper method will be to allow this section to stand as it is, and to deal with the matter in amending Regulation VI of 1831. If the Hon'ble Member is not satisfied with the present wording, he should move for the insertion of certain words in the Bill which is shortly to come before us.

The Hon'ble V. Bhashyam Aiyangar.—I may remark that it is proposed—it has not yet become law—to place persons who are passed over by the zemindar exactly on the same footing as persons who are nominated by the zemindar but who are held to be disqualified by the Revenue officer. As the section stands, if the zemindar's nominee is disqualified and if the zemindar should submit his nomination, notwithstanding that he is really disqualified, then the Revenue officer may veto the nomination on the ground that he is disqualified under clause (*a*), (*b*), (*c*) or (*d*); and in that case there will be an appeal to the Collector. In the case of a qualified heir who is passed over by the zemindar, it is proposed to give him a right to obtain a certificate of fitness either from the Divisional officer or from the Collector. Therefore he has the right to get the certificate from the Divisional officer. And if the Divisional officer refuses to give it, then he can go before the Collector and get it. But if both of them consider that he is disqualified, then he is just in the same position as the proprietor's nominee who is considered disqualified both by the Divisional officer and on appeal by the Collector. If the heir who is passed over by the zemindar be considered qualified either by the Divisional officer or by the District Collector, then he can bring a summary suit to recover the office. Of course, he must establish judicially that he is the next heir at law. That is the reason why in the corresponding section of the other Bill it is provided as an alternative that he may produce the certificate either from the Divisional officer or from the Collector. The word "Collector" denotes the Divisional officer as well as the District Collector. It is furthermore provided that the Board of Revenue frame rules as to the procedure to be adopted in regard to the grant of certificates. One of the provisions will naturally be to the effect that notice shall be given to the parties and the parties shall be heard. If the person appears before the Divisional officer and says, "I am the heir at law and I have been passed over by the zemindar, while in reality I am not disqualified," then the Divisional officer will inquire and ascertain if he is fit. If the Divisional officer says, "I do not consider you are fit," then the applicant will have a right to appeal to the District Collector. When that Bill comes under the consideration of the Council some amend-

ments or suggestions may, if necessary, be made to make the matter clear and also to ensure some enquiry being made. I may state that the point was specially considered by the Select Committee, and was specially mentioned in connection with the powers of the Board of Revenue to frame rules. In regard to the suggestion made by the Hon'ble Mr. Bliss that I should limit my amendment to clause (*c*), section 10, I would extend it to clause (*e*) also, because a person may have been convicted long ago and it is just as well the Divisional officer should give an opportunity to the party to appear before him and state how long ago he had been convicted and of what offence and the circumstances under which he was convicted. I fully admit there is no necessity to give notice to the party and hold an inquiry in cases falling under clause *a*, *b* or *d*. I would therefore propose to insert the words "and, in cases falling under clauses (*c*) and (*e*) in sub-section (1) of section 10, after giving notice to the parties concerned and making enquiry" in sub-section (1) of section 11.

The Hon'ble Mr. Garstin.—My Lord, I have not been able to follow the argument of the Hon'ble Member. Unfortunately he used an expression which is confusing with reference to the zemindar excluding the various classes of village officers. I think he meant to say shutting out the claims of various claimants or a body of claimants. Therefore it seems to me that the Hon'ble Member has mixed up two matters in the motion. First of all, he seems to complain there is no specific provision in this Act for enabling a person whose claim to succeed to a village office was passed over to bring a suit; and with that view he proposes an amendment. This is a matter that is dealt with in Regulation VI of 1831, and this Bill is not the place for dealing with it seeing that Regulation VI of 1831 is still law. If a zemindar makes an appointment, and if any person feels that his claims are passed over, he can bring a suit under Regulation VI of 1831. I have pointed out in my speech exactly what the Hon'ble Mr. Bhashyam Aiyangar has said. Section 10 contains a series of qualifications for appointment to a village office. It is in the highest degree improbable that the question as to whether any person who has been appointed to an office by the zemindar is obnoxious to the charge of not being qualified, would arise except in the case of his being mentally or physically incapable of discharging the duties. It is not likely that a zemindar would appoint a blind man or a man who is not educated or a man who has been criminally convicted to a village office. The only case in which any difficulty is likely to arise is when a man is physically or mentally incapable. It was practically to meet that case that section 11 was drawn up. It is the intention of the Act that there should be no interference with an appointment made by the proprietor, unless it comes to the notice of the Divisional officer, either from his own knowledge or from information supplied, that the person appointed by such proprietor is physically and mentally incapable of discharging the duties of the office. Then only is it that the Revenue officer interferes—he makes an inquiry and records his reasons and sends a notice to the zemindar saying, "I consider the person appointed by you incapable and you had better appoint another man." Against that there is an appeal to the Collector. I do not see that anything more is wanted. What my Hon'ble friend Mr. Bhashyam Aiyangar suggests is the insertion of a few words to make it legal and obligatory on the District Collector or the Divisional officer, to send a notice to the zemindar and the person who is supposed to be incapable, to appear before him. When the Divisional officer makes an inquiry and records it. However, the amendment is a small one and am not prepared to object to it. I would leave it to be decided by the Council. For myself, I think that the section as it stands should be passed; but whether the Hon'ble Bhashyam Aiyangar's amendment is adopted or not, it is really immaterial.

The Hon'ble C. SANKARAN NAYAR.—My Lord, there is one point on which I should like to have information. Suppose a claimant establishes his claim under Regulation VI of 1831, is he to turn out the man appointed by the Revenue officer?

The Hon'ble V. BHASHYAM AIYANGAR.—Yes.

The Hon'ble Mr. GARSTIN.—Of course he would be turned out.

The Hon'ble SUBBA RAO's amendment was then put to the Council and lost.

The amendment of the Hon'ble BHASHYAM AIYANGAR was next put to the Council and carried.

The Hon'ble V. BHASHYAM AIYANGAR.—I beg to propose another amendment which is merely a consequential one—that is, insert after the words "Revenue officer" in sub-section (2) the words "after giving notice and making inquiry as aforesaid."

The amendment was put to the Council and carried.

The Hon'ble N. SUBBA RAO.—I beg to propose that sub-section (3) be omitted with the view of its being incorporated in section 16, which provides for appeals. Clause (3) of section 16 runs as follows:—

"(3) Against every order passed by the District Collector or Revenue officer aforesaid under sub-section (2) an appeal shall lie to the Board of Revenue within three months or to the District Collector within one month, as the case may be."

Instead of that sub-section (3) the following section may be substituted to cover the cases that arise under section 11 with reference to persons who are held to be disqualified. Incorporating both the sections relating to appeals the consolidated section stands thus:—

"Against every order passed by the District Collector or the Revenue officer in charge of the Division under section 11 or sub-section (2) of section 16, an appeal shall lie to the Board of Revenue within three months or to the District Collector within one month, as the case may be.

"The decision on appeal of the Board of Revenue or the said Collector, as the case may be, shall be final; provided that a second appeal shall lie within three months to the Board of Revenue against the order of the District Collector confirming on appeal the order of the Revenue officer in charge of the division dismissing a village officer or disallowing an appointment under section 11."

The result of this will be that the officers who are said to be disqualified by the Divisional officers will be placed on the same footing as the officers that are dismissed—that is, they will have a right to carry an appeal to the Board of Revenue. As the Bill at present stands there is only one appeal. If the Revenue officer in charge of the division disallows the appointment, the person applies to the District Collector, and there the matter ends. I propose that an appeal should lie to the Board of Revenue against the order of the District Collector, because they are exactly on the same footing as the officers that are dismissed. Why should these people be deprived of placing their case before the Board of Revenue, while the persons who are dismissed have that right. Both hold hereditary appointments, and I do not see why the two cases should be different. The main point that I wish to lay before the Council is these officers must be placed on the same footing as the officers that are dismissed.

The amendment fell through there being no seconder.

The Hon'ble Mr. Bliss.—Before we pass from this subject there is a verbal amendment which ought to be taken into account, namely, in the last clause the word "and" should be "or."

The Hon'ble Mr. Garstin.—I accept the amendment.

The amendment was put to the Council and carried.

Section 12.

The Hon'ble P. Rangayya Nayudu on behalf of the Hon'ble A. Sabhapati Mudaliyar requested permission of the Council to withdraw the proposal to omit the last line of section 12 and substitute the words "the Collector of the district."

Permission having been granted by the Council, the amendment was withdrawn.

The Hon'ble P. Rangayya Nayudu.—I propose in line 1 for the second word "a" to substitute the words "an hereditary."

The Hon'ble Mr. Garstin.—I accept the amendment.

The amendment was put to the Council and carried.

The Hon'ble P. Rangayya Nayudu.—I propose in line 11 for the word "a" between the words "who is not" and "member" to substitute the words "an undivided."

The Hon'ble V. Bhashyam Aiyangar seconded the amendment.

The Hon'ble Mr. Garstin.—I accept the amendment.

The amendment was put to the Council and carried.

The Hon'ble P. Rangayya Nayudu.—I propose that the following proviso be added:

"Provided that, when the officer who has been dismissed dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10."

The Hon'ble Mr. Garstin.—I accept the amendment.

The amendment was put to the Council and carried.

Section 13.

The Hon'ble P. Rangayya Nayudu on behalf of the Hon'ble A. Sabhapati Mudaliyar withdrew the following amendment with the permission of the Council.

"In line 5 to substitute 'the Collector of the district' for 'the Revenue officer in charge of the division.'"

The Hon'ble K. Kalyanasundaram Aiyar.—The first amendment I beg to move, is a verbal one which seeks to make the meaning of the clause more clear. I propose in sub-section (1) to insert "who would otherwise be" before "entitled" in the first line.

The Hon'ble Mr. Garstin.—I accept it.

The amendment was put to the Council and carried.

The Hon'ble K. Kalyanasundaram Aiyar.—The next amendment of mine supplies an omission which, by an oversight, took place in the amended draft. It provides for appointment in case the registered Proprietor who is a minor dies or fails to qualify

himself after he attained the age of majority according to the rules prescribed by the Board of Revenue. I propose that the following be added at the end of sub-section (1):

"If the person registered as heir under this section dies, or if he remains disqualified under sub-section (1) of section 10 for three years after attaining majority, the vacancy shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10."

The Hon'ble Mr. BLISS seconded the amendment.

The Hon'ble Mr. GARSTIN.—I accept it.

The amendment was put to the Council and carried.

The Hon'ble K. KALYANASUNDARAM AIYAR.—The last amendment is also a verbal amendment. There is the word "minor" in sub-section (1), as if a person can be minor even after he attains his majority. I propose in sub-section (1), line 12, for the word "minor" before the words "on attaining majority" to substitute the words "person registered as heir."

The Hon'ble N. SUBBA RAO seconded the amendment.

The Hon'ble Mr. GARSTIN.—I accept it.

The amendment was put to the Council and carried.

The Hon'ble V. BHASHYAM AIYANGAR.—I propose that sub-section (2) be omitted —not because it is wrong, but because it will be provided for in the next amendment which will be proposed under section 14.

The Hon'ble K. KALYANASUNDARAM AIYAR seconded the amendment.

The Hon'ble Mr. GARSTIN.—I accept it.

The amendment was put to the Council and carried.

The Hon'ble P. RANGAYYA NAYUDU.—I propose in sub-section (1), line 4, to omit the word "Proprietor" and substitute the words "karnam and the head of the village." It is not a fact that the zemindar has an agent in each village. If he has 700 villages, I do not think he would have a gumastah in each of the 700 villages. The persons that will be on the spot are the Karnam and the Head of the village. I think it is advisable to make them responsible for giving the information instead of the proprietor.

For want of a seconder the amendment fell through.

Section 14.

The Hon'ble V. BHASHYAM AIYANGAR.—What is now contained in section 14 has been already provided for by the amendment introduced by the Hon'ble P. Rangayya Nayudu under section 12, by way of a proviso, which amendment has been already carried. I now propose that in the place of section 14 which has now been incorporated with section 12, provision be made for another contingency for which no provision is now made in the Bill. I therefore propose that in lieu of section 14 the following section be substituted. I do not think I need read it as it is printed.

The following is the section proposed :—

"14. (1) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an hereditary village office and the authority by whom he was dismissed or suspended does not give the direction referred to in section 12, the

vacancy shall be filled up in accordance with the provisions of this Act as if it had been caused by the death of the said holder; provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

"(2) The provision of section 11 shall, *mutatis mutandis*, apply to appointments to be made under this section and sections 12 and 13."

His Excellency the PRESIDENT.—The first question I have to put to the Council is that section 14 be omitted. Is that moved?

The Hon'ble V. BHASHYAM AIYANGAR.—I move that section 14 be omitted.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR seconded.

The motion on being put to the Council was carried.

The Hon'ble V. BHASHYAM AIYANGAR.—I propose that the new section that is on paper be inserted.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—I beg to second the motion.

The motion was put to the Council and carried.

Section 15.

The Hon'ble Mr. GROSE.—My Lord, I move that in sub-section (1), line 9, the words "which shall be hereditary if the offices they replace were hereditary" be inserted between "new offices" and "shall be created." This is in accordance with the intention of the framers of the Bill and the words were only left out by an oversight.

The Hon'ble Mr. BLISS seconded the amendment.

The Hon'ble Mr. GARSTIN.—I accept it.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—Suppose there are five or six villages grouped into one, two of which have hereditary offices and the other three have not. What does the section say about it?

The Hon'ble Mr. GARSTIN.—Those that are hereditary will continue to retain the hereditary right; and those that are not, will not have it.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—Suppose you do away with all the karnams, and appoint only one. Will that one be hereditary?

The Hon'ble Mr. GARSTIN.—Yes.

The Hon'ble V. BHASHYAM AIYANGAR.—In the case where one or two offices are hereditary, the new office will be hereditary.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—Yes, that is what I think. But as the section stands, does it give that idea? If you insert the words "any of" after "if" and before "the" in the amendment of the Hon'ble Mr. Grose it will be all right.

The Hon'ble Mr. GARSTIN.—I accept it.

The amendment of the Hon'ble Mr. Grose as further amended by the Hon'ble Srinivasa Raghavaiyangar was then put to the Council and carried.

The Hon'ble P. RANGAYYA NAYUDU.—On behalf of the Hon'ble A. Sabhapati Mudaliyar I withdraw the amendment of sub-section 3 standing in that gentleman's name.

The Hon'ble C. SANKARAN NAYAR.—My Lord, It is probable that, when this Bill becomes law, many village offices will be abolished and the result will be that those who have been in receipt of emoluments will be deprived of inam lands and fees which they have been enjoying. It can scarcely be denied that it is a real hardship to deprive these persons of the inam lands and fees which they have been enjoying, as one of the memorialists says, "from the creation of the world," though the Hon'ble Mr. Garstin defends the provisions of the Bill by asking whether it would be just to the general tax-payer or the proprietor to pay village officers for doing nothing. But it is not the village officer's fault if he is not performing the services which till now he has been performing. You now tell him "You need not perform the services" and at the same time you say "We take away the lands of which you have been in possession for this great length of time." Another ground on which this step has been defended is that if the necessities of good administration require the abolition of an office, the duty of Government is to see that it is abolished, and in such a case the incumbent ought to vacate and even to suffer for the public good. My Lord, I cannot make a better answer to that observation than that made by the Board of Revenue in 1862. The same suggestion was then made and the reply made by the Board of Revenue was—

"Mr. Robinson, from paragraph 10 of his letter, would seem to be in favour of the resumption by Government, for their own purposes, of all emoluments appertaining to village offices which do not suit the ideas of an advanced civilization, but the Board cannot, for a moment, suppose that the Government has ever contemplated so arbitrary an infringement of the rights of individuals.

"These rights spring from as ancient and firm a foundation as do those of the Government itself to its share of the produce of the soil, and cannot, with due regard to justice, be disallowed by Government, and of the offices included in the distribution the great majority are altogether unobjectionable from any point of view."

If that was the state in 1862 I think the reply is conclusive still.

The Hon'ble Mr. GARSTIN.—Would the Hon'ble Member read what is said just before the extract quoted by him. I do not understand what the rights are.

The Hon'ble C. SANKARAN NAYAR.—This is only an extract from a letter which the Revenue Board forwarded to Government. They said that they could not recommend an arbitrary infringement of rights which were as good as the rights of the Government to a share of the produce. The persons concerned have been in the enjoyment of their rights for a century and it is rather harsh to tell them "we will deprive you of the land because we do not want you to perform those service for which these lands were originally given to you." I would suggest that compensation should be given to them. I believe very often compensations take the form of free grants of the inam lands of which they are already in possession. I would, however, leave it to the authorities to decide what the compensation should be. I now move that the following proviso be added to section 15—"all hereditary office-holders whose services are dispensed with under this section shall be entitled to adequate compensation for the loss of the emoluments of such office."

The Hon'ble P. RANGAYYA NAYUDU seconded the amendment.

The Hon'ble Mr. H. W. Bliss.—I think, my Lord, that the Hon'ble Member is under a very grave misapprehension with regard to the intention of the Bill. No doubt it would be a hard case that those people who, however unworthily, might have occupied the offices for many years, and might be in possession of the lands, should be deprived of these lands. Probably the Council will be surprised to learn that the Bill contains no provision to usurp those lands. It says that the inams will be enfranchised. The meaning of that is that a cess will be imposed. They will be left in freehold possession of them, but they will be required to pay a cess on them, which they were not required to do hitherto because of their services. I am not aware of any particular hardship on anybody. The fact is that a great many people who are very undeserving will be left in possession of a great deal more than they are entitled to. With regard to the question of compensation, I think it should be a golden rule that, whenever a measure is proposed for expenditure from the public exchequer, the persons who propose it should give us the ways and means for carrying it out.

The Hon'ble Mr. Garstin.—The Hon'ble Member quoted from the speech that I made on Tuesday last upon this very point which was raised by the Hon'ble Rangayya Nayudu in his minute of dissent. I do not consider there is any ground for giving compensation to those that are turned out of their offices. As the Hon'ble Mr. Bliss has said, it is not the intention of Government to deprive any of the persons in possession of lands, of those lands; they will retain their lands as if no change were made in the administration. The only change that will be brought about will be that, instead of being paid by emoluments from inam lands held on a tenure of servitude, they will be paid salaries. I think the Hon'ble Member has misapprehended the position. I am quite unable to accept his amendment. Moreover he has not stated where the funds required to pay the compensation are to come from.

The Hon'ble P. Rangayya Nayudu.—In many cases the lands are not in the possession of officers, but in the possession of somebody else. They get *mêlvaram.* I think it will be only in rare cases that people will be thrown out of employment, and in such cases, they should be allowed to enjoy their inams.

The Hon'ble Mr. Garstin.—I can only say in reply, that if the land is alienated from the office that alienation is totally illegal. Regulation VI of 1831 says that all emoluments, &c., attached to hereditary village offices are inalienable from such offices by mortgage, gift or sale. Therefore any such alienation is absolutely illegal, and any person who has permitted that alienation must be a party to an illegal transaction.

The Hon'ble P. Rangayya Nayudu.—I am sorry I am misunderstood. I did not mean alienation, there are certain cases where the lands are in possession of certain other parties but the village officer enjoys the mêlvaram. There is no alienation there. The land is in possession of somebody else, while the mêlvaram is enjoyed by the village officer. If you enfranchise it, and if you take away the *mêlvaram*, it will be a hardship.

The Hon'ble Mr. Garstin.—We shall reinstate him.

The Hon'ble P. Rangayya Nayudu.—When his services are dispensed with, he does not get his salary and he does not get his mêlvaram.

The Hon'ble Mr. Bliss.—I may say that the mêlvaram is usually much larger and in excess of the assessment. In some cases the assessment will be the same as

mêlvaram; such cases will be rare and in such cases the services of the person will be no longer required. If it happens that the services of a private servant of the Hon'ble Member are no longer required, there is no difficulty in dispensing with his services. He might have been an old servant and you might be willing to give him something for his past services but how can you give compensation to a man whose services are not required and who for a long time has been receiving money from Government, for work which he has not done?

The Hon'ble P. Rangayya Nayudu.—There is no analogy between a private servant and an hereditary officer.

The Hon'ble K. Kalyanasundaram Aiyar.—The cases referred to by the Hon'ble Sankaran Nayar are, I believe, cases of hereditary village servants who have been enjoying lands in lieu of the services rendered; but who in the grouping of villages ought to be removed from their appointments. With regard to the lands they have been enjoying they will be enfranchised. I believe it will be impossible to make a correct compensation in these cases. But, I trust, in making the enfranchisement of inam lands, Government will take into consideration the fact that the lands have been in the possession of these families for a long time; and, in imposing the assessment, they should show sufficient consideration to the inamdars.

The Hon'ble V. Bhashyam Aiyangar.—That I think is contemplated by section 17, and the very case put by the Hon'ble P. Rangayya Nayudu is also contemplated there. No doubt the Government will frame such rules as will meet such cases in determining the amount of assessment to be imposed upon these inams when they are to be enfranchised. Section 17 says—

"If the remuneration of a village office consists in whole or in part of lands, or assignments of revenue payable in respect of lands, granted or annexed thereto by the State, the Government may enfranchise the said lands from the condition of service by the imposition of quit-rent under the rules for the time being in force in respect of the enfranchisement of village service inams in villages not permanently settled or under such rules as the Government may lay down in this behalf; such enfranchisement shall take effect on or after the date fixed in the notification issued under section (19) for the levy of a Village Service cess."

I submit that the cases referred to by the Hon'ble K. Kalyanasundaram Aiyar will be adequately met by the provision contained in section 17. I confess, when I read the original amendment proposed by the Hon'ble Sankaran Nayar to add a proviso to section 15, I thought and still think that the wording of the amendment would also relate to cases in which the offices may be abolished after the salary system is introduced. Under section 15 you may at any time club villages, abolish offices and establish new offices. Certainly, I do not think that anybody will contend that in that class of cases—namely, cases in which offices are abolished after this Act is introduced and in lieu of meras and inams salaries are substituted—that any compensation should be given, when the hereditary offices are abolished. It must be borne in mind, that these offices are not private property; they are not kept up to benefit the families which hold the offices, but the offices are kept up for the benefit of the village community. It is an unnecessary burden, detrimental to the village community to maintain a large number of offices, or to maintain a large number of ill-paid officers instead of one or two well-paid officers. Certainly so long as the offices exist for the benefit of the village community, they are to be held by hereditary right by particular families, but such considerations should in no way stand in the way of the offices being abolished by requiring the village community to pay a compensation to the

holder of the office, which is to be abolished because the reason for the continuance of the office no longer exists, and it is no longer required in the interests of the village community. So far as this amendment refers to this class of cases, where the offices are abolished in the interests of the community, no reason can be assigned for the amendment proposed; but in the other class of cases, namely, where at the time this Act is introduced the villages are clubbed and consequently the offices are abolished, I submit adequate compensation will be made by enfranchising the inams.

The amendment was put to the Council and lost.

Section 16.

The Hon'ble P. RANGAYYA NAYUDU in behalf of the Hon'ble A. Sabhapati Mudaliyar withdrew the amendments of section 16 standing in that gentleman's name.

The Hon'ble C. SANKARAN NAYAR also withdrew the amendment standing in his name.

The Hon'ble N. SUBBA RAO.—I have made a few alterations in regard to the amendments that I have to move in connection with this section. On consideration I have found that some more clauses have to be added to section 16.

His Excellency the PRESIDENT.—I do not think that this amendment is before the Council. The only amendment before the Council is "to omit sub-section 1."

The Hon'ble N. SUBBA RAO.—In omitting the sub-section 1, I propose that the following proviso be added to section 16.

His Excellency the PRESIDENT.—If your motion is carried there will be no sub-section 1 at all.

The Hon'ble N. SUBBA RAO.—There is sub-section 2 attached to section 16. And when sub-section 1 is dropped, sub-section 2 becomes sub-section 1.

His Excellency the PRESIDENT.—The amendment that is on the paper is to "omit sub-section 1."

The Hon'ble N. SUBBA RAO.—I submit that in omitting sub-section 1, certain provisos should be added. If I read the whole thing, my meaning will be quite clear. This sub-section 1 says that the proprietor may after inquiry fine a village officer to the extent of Rs. 3. I say that the power vested in the proprietor should be taken away and a proviso should be added.

His Excellency the PRESIDENT.—I think it is hardly regular. The Hon'ble Member should have sent in his amendment previously. The Council is not in possession of the facts.

The Hon'ble N. SUBBA RAO.—I am quite aware of that my Lord. This is substantially the same as the amendment of which I gave notice. This vests the power in Government.

His Excellency the PRESIDENT.—However I allow the Hon'ble Member to move his amendment; but it must be remembered that it is impossible for the Council to be in possession of facts if amendments are proposed in such a sudden manner.

The Hon'ble N. SUBBA RAO.—In trying to meet the various views that may be urged in regard to section 16, I thought it necessary that Government should be empowered to authorize any proprietor to exercise the power conferred upon him by sub-section 1. That is the only proviso that I wish to place before your Lordship.

His Excellency the PRESIDENT.—Am I to understand that the Hon'ble Member moves that sub-section 1 be omitted and proposes to put in another section?

The Hon'ble N. SUBBA RAO.—By omitting sub-section 1, we have only sub-section 2. Sub-section 1 relates to fines that should be imposed by the proprietors, and sub-section 2 relates to powers that should be exercised by the Revenue officers. My amendment is that the power vested in the proprietors should be taken away and the Revenue officers should exercise all the powers under this section, and the Government may authorize any proprietor to exercise all or any of the powers which the Revenue officers have been exercising. By sub-sections 1 and 2 of section 16, the Bill vests a dual power in both the proprietor and the Government and confers on them a concurrent jurisdiction over the village officers. This is an important principle embodied in the Bill and requires careful consideration. The question is whether, in the interests of efficient village administration, it is desirable there should be two masters to punish the village officers.

I submit, in the first place, that a provision of this kind does not adequately consider the interests of the village officers themselves. The karnam or village accountant has to keep about 30 and odd accounts for the benefit of the zemindar as pointed out by the Landholders' Association. He has, besides, to keep accounts for the benefit of the Government, and according to a circular recently issued by the Collector of a district, he has to keep about 25 accounts of the village manual; so likewise the head of the village has to collect revenue both for the benefit of the proprietor and the Government. They have to attend to the jamabandi of both. They have to obey the orders of these two masters. They might be conflicting orders for the attendance of village officers at two different places at one and the same time. It must be remembered that the interests of the Government and the proprietor cannot be said to be always identical. Whom should the village officers obey? I submit it is not right that they should be placed in this awkward position. For the proper working of the system, therefore, this dual authority appears to be undesirable.

Secondly, one of the effects of this provision is that the village officers are placed in subordination to the proprietor who is constituted a judge in his own case to decide on all real or supposed faults of the village officers. It may be urged that this power is limited, being only a fine up to Rs. 3 and is safe-guarded by an appeal to the Revenue authorities. But we must remember that an appeal to a higher authority involves trouble, annoyance and expense to the village officers by their having to go to the Divisional officer and wait on him to the detriment of their own work in the village. We must remember also that the decision of the Revenue officer on appeal whether it confirms or reverses the zemindar's order tends to create friction between the village officers and the zemindar who would like to see his view of the village officers' conduct enforced in subsequent transactions.

But even this may be allowed if the exercise of this power by the proprietor is conducive to the general welfare of the country. We cannot shut our eyes to the fact that zemindars, as a class, are not yet fitted by their education and sense of duty to satisfactorily discharge these duties. They cannot be said to be as well equipped as the Revenue officers under Government to deal justly with village officers. I need not point out how, when the zemindars applied to your Excellency's Government for the passing of a law to protect their estates from partition and alienation, your Excellency's Government declined to move in the matter on the ground, as I understand, that they did not deserve any consideration at the hands of the Government. Though

their present position, my Lord, may not be an argument for rejecting their prayer, yet the observations of the Government are to the point in considering whether they can be invested with powers over village officers.

Besides, my Lord, the power under this section can be exercised indiscriminately by all classes of proprietors, from a proprietor with an income of twenty lakhs and more to one getting even Rs. 50 or Rs. 100 a year.

Moreover, the village officers have sometimes to perform duties which would be detrimental to the interests of the proprietors and against their wishes. How can they, as guardians of public revenue, be expected to report against the zemindar if he irrigates more land with Government water than he pays for, or if he makes encroachments on public pathways? How can they do their duty in hundred and one things for the protection of revenue? How can they as heads of Civil, Criminal and Revenue administrations in the village discharge their duties justly as against the zemindar who can punish them?

Lastly, this provision does not take full notice of the fact that, besides the Government and the zemindar, there is a third party affected by the Bill---a party whose interests are more important than either. I say that this provision does not adequately consider the interests of this third party, viz., the tenants of the proprietor, inamdars and other residents of the village. In my opinion, their interests are sacrificed by this *provision*. I submit that one of the objects of this legislation is to secure and continue the independence of village *officers* and protect the rights of all persons in the village, especially the *ryots*. The village officers have to discharge duties of a public character in the interests of the public. As regards the necessity of securing the independence of the office of karnam, I beg to draw the attention of the Council to section 1 of Regulation XXIX of 1802, which this Bill proposes to repeal: "The office of karnam being still of great importance to the preservation of the rights and property of the people, it is expedient to provide for the continuance of that office on an efficient establishment for the purpose of facilitating the decision of suits in the Courts of Judicature, of preventing the diminution of the fixed revenue of the Government and of securing individual persons from injustice by enabling the public officers of Government and the Courts of Judicature to procure authentic information and accounts." As regards the head of the village, he is generally the *ex-officio* village munsif and decides suits up to Rs. 20. As such, his position is equally, if not more, important than that of the karnam. These village officers are important witnesses in suits between the zemindar and his tenants and other residents of the village. They themselves may have to decide suits between the zemindar and his tenants or other residents of the village. They may have to report against the zemindar's servants in connection with offences that may be committed by them, and how can they do all this properly if they are made subordinate to the zemindar. In view of these circumstances, the old regulation vests the power of control in the civil courts, so that the village accountant may discharge his duties without fear or favor. Now, under this provision, as it stands, the independence of the village officers is not protected; they are placed at the mercy of the zemindars, and the people of the village as well are placed in a similar position. Thus the provision cannot be said to prove a blessing to the population of the proprietary tracts, to enhance the efficiency of the village establishments or secure their independence.

My Lord, I shall now sketch *the history of this proposal* and show that as far as I can see there is no adequate ground put forward for introducing this provision.

The Board of Revenue (No. 2975, dated 27th October 1875) so far back as 1875, after consulting the Collectors of districts on the point said: "Although one or two Collectors see no objection to conferring authority to fine within a limited amount subject to appeal to the Collector, the opinion of the majority appears to be that the award of punishment should rest with the Revenue officers of Government exclusively and that any extension of the zemindar's authority would be *likely to lead to oppression* and defeat the object of the law in placing the karnam in an independent position for the protection of the ryots' interests. This view appears to be sound."

Accordingly in section 4 of the draft Bill submitted by the Board of Revenue, the authority to punish was vested in the Revenue officers. In a minute recorded by the Hon'ble Mr. D. F. Carmichael, on the 20th January 1879, dealing with the request of the zemindars to be vested with control over village officers (other than the karnam), he says:—

"I consider this request inadmissible . . . . the zemindars are not to be trusted. Many of them would pick a quarrel with a too zealous police officer on the 'revenue' side and bully and harass him. There should be but one master to punish." In dealing with the general question of jurisdiction over the village officers, he says that "the zemindars with their antagonistic position towards their ryots obviously cannot be allowed to adjudicate."

The Bill No. 6 of 1883 proceeds on these lines and by section 13 provides only one master to punish, viz., the Revenue officers.

The reason for this, as explained by the Hon'ble Mr. D. F. Carmichael in the statement of objects and reasons in introducing the Bill, is the antagonistic relations between the zemindars and their tenants.

When it was referred to the Select Committee the same principle was accepted. The Bill was then dropped and the question of the introduction of a cess was referred to the Board of Revenue.

When, in 1888, the Board of Revenue recommended that zemindars should be allowed the power of fine up to a limited extent, the Government (G.O., No. 118, dated 17th February 1891) said: "The Government has, *after careful consideration, arrived at the conclusion that it will be best on the whole to vest the necessary powers in the Revenue officers* . . ."

Accordingly Bill No. I of 1892 was framed, and section 8 constitutes only one master to punish.

The Hon'ble Mr. Garstin, in charge of the Bill, in the statement of objects and reasons, accompanying the above Bill explains as follows:—

"The question therefore arises what measures should be adopted to remedy these evils. One course would be to vest the necessary control over these officials in the zemindar, but such a course is obviously undesirable, as the relations of the zemindars and their tenants are often antagonistic to each other. The only other course which is practicable and in every way convenient is to transfer the control to the Revenue officers of the district."

We find, my Lord, this dual power for the first time introduced in this Bill of 1893. I cannot understand how and why this dual power came to be introduced into this Bill. The result of this is that the efficiency of village establishments is weakened and the public, as well as the village officers, are placed at a disadvantage. In thus speaking against the zemindars, I am alive to the usefulness and importance of this

class. I am speaking only of the present state of circumstances. I say they have not yet proved themselves fit to exercise these powers impartially and with sound judicial discretion, at least in the same way as the Revenue officers in charge of a division. They have not yet taken their place as leaders of industrial and social progress of the country which their position well fits them. No doubt we see them gradually and slowly becoming alive to their responsibilities. In speaking generally of the proprietors, I must not be understood as saying that there are no exceptions. Some of them are educated and the number is growing. What I urge is that the power should not be given indiscriminately. Whenever they are qualified to exercise these powers, as well as the Revenue officers, I propose that the Government should authorize them not only to fine, but also to suspend and dismiss the village officers. They then might take the place of the Divisional officers and might be held responsible for the village administration. It will then be a distinct advantage to the Government, who will be greatly assisted by this body of intelligent proprietors in the efficient supervision of the village administration and the welfare of the people.

I therefore propose to omit clause 1; to substitute (1) for (2) in line 13; and to add the following clause:—

"(2) The Government may by notification authorize any proprietor to exercise all or any of the powers conferred on the District Collector or Revenue officer in charge of a division under sub-section (1) and may likewise and after notice to the proprietor withdraw the same.

"Whenever a proprietor exercises any of the powers conferred upon him as aforesaid, he shall after enquiry record his reasons for so doing in writing and furnish a copy of the same to the village officer concerned.

"An appeal shall lie to the Revenue officer of the division within one month from the date of furnishing such copy."

His Excellency the PRESIDENT inquired if the amendment found any seconder.

The Hon'ble the Rev. Dr. MILLER.—Rather than it should fall through for want of a seconder, I desire to second it—not that I am an authority on the subject and not that I commit myself to support all the views that have been laid down by the proposer, but because I think that there is a very important question involved in what has now been said by the Hon'ble Member—a question which it is for the good of the community that this Council should fully discuss and the public should fully understand. I think it would be a pity if the subject fell through, and for that reason I now second it, hoping that the promoters of the Bill will give to this Council and to the public the benefit of their distinct declarations of the reasons by which they have been guided in giving this dual power. Certainly it is a course of action against which there are very obvious objections, and some of these have been touched upon by the Hon'ble Member who has just spoken. Many more might easily be added, but the subject has been spoken on long enough by him. I have very little doubt that the reasons in favour of the course which the Bill proposes to follow are upon the whole weighty. Still I think it well and wise that this Council and the public should understand what the reasons have been that have guided those that have drafted the Bill in the course which they who are experienced in the matter, have found it wise to follow. It is not a usual thing, and it is not an obviously right thing, to have two authorities over one man. I am quite prepared to believe that in the special circumstances of the case it is a wise and right thing; but I should like for myself and for those who are ignorant like myself to have the reasons for that course somewhat distinctly laid before us.

The Hon'ble V. Bhashyam Aiyangar.—I wish to know whether in the event of the proprietor being authorized to exercise all or any of the powers of the Divisional officer, the powers of the Divisional officer are to cease or whether those powers will be concurrent with those of the proprietor. I wish to know, in view of the remarks of the Hon'ble Subba Rao, whether the powers of the Divisional officer or the Collector to suspend or fine or to dismiss a village officer are to cease in reference to an estate, the proprietor of which is specially authorized by Government to exercise those powers. If so, it appears to me that it would be undesirable, because, as has already been pointed out, the interests of the zemindar and his tenants will be found in several cases to be antagonistic, and if there is only one authority and that authority is to be the proprietor—that is the only authority, who can dismiss or fine a village officer, then there will be cases in which the zemindar will not exercise that power when he ought to exercise it in the interests of the tenants, which may clash with his own interests. Therefore it seems to me that even if the proprietor is to be authorized to inflict punishment, the powers of the Divisional officers should not be taken away, because there may be cases in which, in the interests of the tenants, the power of dismissal shall have to be exercised, and it is only the Divisional officer who can exercise it. You cannot expect the proprietor to exercise the power of dismissal in a case antagonistic to his own interests.

The Hon'ble Mr. C. S. Crole.—May I ask whether your Lordship has permitted the amendment now before the Council?

His Excellency the President.—Yes, though I consider it somewhat irregular.

The Hon'ble N. Subba Rao.—In reply to the questions of the Hon'ble Mr. Bhashyam Aiyangar, I beg to say that no doubt it would be a very wise measure when the zemindars are as qualified as the Revenue officers themselves to deal with village officers, to give them all the powers exercised by the Revenue officers and that the Revenue officers should cease to exercise their powers, because there will be one master to deal with the village officers. I have no objection at all events for some time—perhaps it will be long time before such absolute power can be entirely vested in the proprietor—that the concurrent jurisdiction might also be vested in the Revenue officers. The amendment as it stands at present does not exclude concurrent jurisdiction. It should be entirely within the jurisdiction of Government to authorize the proprietor to exercise those powers either concurrently or otherwise.

The Hon'ble the Maharajah of Vizianagram opposed the amendment and in doing so pointed out in the course of his remarks that the Hon'ble Mover of the amendment did not object to the principle *in toto*, and that the objection taken by him was hardly worth consideration. As regards the question of dual authority, the Hon'ble Member observed that the Collector who exercised the power of dismissing the village officers stood in the position of an appellate authority.

The Hon'ble Mr. Garstin.—I may summarise what has been said by my Hon'ble friend opposite in these words; he proposes to abolish the first clause of section 16, because he considers that the village officers should have only one master to punish them, and that master should be the Revenue officer. Then he goes on to say "if you are going to give the proprietor any power you must give all or none." He provides in this proviso that Government should be vested with authority to give the proprietors or zemindars the same authority and power in the matter of dismissal or suspension or fine as would be exercised by the Revenue officers.

The Hon'ble N. SUBBA RAO.—All or any of the powers as the Government pleases.

The Hon'ble Mr. GARSTIN.—Yes, all or any of the powers. The Hon'ble Dr. Miller wanted to know what the origin was of the suggestion that the zemindars should be given the power of fining at all. I am sorry to say I cannot speak from my recollection accurately as to with whom or where that suggestion arose; but I find that, reporting at great length upon the Zemindari Karnams' Bill, dated 18th December 1888, the Board says:—

"The zemindars apprehend that they can exercise no authority over their karnams if they have always to complain to a Revenue officer when a karnam commits a fault. As there is some reason in this the Board would allow proprietors to fine karnams to the extent of Rs. 3 after inquiry by a decision in writing which would be subject to appeal. For any severer punishment which they may consider necessary, they must go to the Divisional officers. This section has been altered accordingly."

The Hon'ble N. SUBBA RAO.—This has been vetoed by Government Order passed in 1891.

The Hon'ble Mr. GARSTIN.—That however evidently is the origin of the idea which appeared in the original Bill, section 11, and which runs as follows:—

"11. Proprietors or their under-farmers or tenants who may have cause of complaint against a village officer may institute a suit before the Revenue officer aforesaid for the purpose of bringing such officer to trial and punishment. For minor faults it will be competent to the proprietor to fine a karnam or monigar to the extent of 3 rupees and any other village officer except the Village Munsif or head of the village to the extent of 1 rupee after inquiry and by a decision in writing. Such decisions shall be subject to appeal to the Revenue officer aforesaid."

That has been altered by the Select Committee in March or April last, and in their report they stated regarding section 11 of the original Bill:—

"(16) Clause (6) of original section 10 we regard as out of place. It should be combined with original section 11 and some of the provisions of original section 27 might also with advantage be brought into the same place. We have accordingly drafted a new section 17 with three clauses.

"Of these the first corresponds more or less with the latter part of original section 11, but we have abolished the useless distinction between the fines that may be imposed upon karnams and monigars and those that may be imposed upon other officers. From the order of a proprietor imposing a fine an appeal lies, as in the original Bill to the Revenue officer in charge of the division, but we have added a proviso that the appeal must be made within a month, and that the order of the Divisional officer shall be final."

I can only say that in Select Committee the matter was keenly discussed, and of the members of the Select Committee no one is more responsible than myself for the wording of the existing section in the Bill. In making this alteration, namely, taking away the karnam from the jurisdiction of the civil courts, it was intended to give the zemindar greater power over him, and it was considered appropriate that the zemindar should have the power of fining, even though to a small extent, subject to an appeal to the Revenue officer. I am not prepared to say that the Hon'ble Member has made out a very good case for reconsidering the alteration. I am not prepared to object entirely to his motion, but I do object to the motion to repeal the whole of sub-

section 1. Therefore, if the proposal meets with the approval of the Council, I have no objection to meet the views of the Hon'ble Member so far as to insert in the first part of clause after the word "proprietor" the words "specially empowered in that behalf by the Board of Revenue." That would limit the power to fine to those proprietors who are considered by the Board of Revenue fit to exercise that power. That is a fair and wholesome limitation, and I have no objection to that if it will meet the views of the Hon'ble Member. As regards the Hon'ble Member's objection to the village officer serving two masters, I think a great many people do serve two masters. I need only refer to Collectors and Magistrates, who in one capacity, are under the Board of Revenue, while in another they are under the High Court. I believe they discharge their duties in both capacities with equal efficiency and without any conflict of jurisdiction. There is no valid reason shown why the power of fining should not be possessed by zemindars with this limitation, and also by the Revenue officer at the same time. An appeal is provided against any decision of the proprietor or Revenue officer; in the first place to the Revenue officer and in the second place to the Collector or the Board of Revenue, in order to provide against all chance of injustice. I can only say as regards the proviso which the Hon'ble Member proposes to substitute in the place of sub-section 1, I entirely disapprove of it. I cannot for a moment agree to invest Government with the authority to give zemindars the power of suspending or dismissing the village officers simply because the Revenue officers possess the same power. In fact, I cannot think of any stronger argument to advance against this proposal than the one advanced by the Hon'ble Mover himself. The Hon'ble Member's argument is that the zemindars ought not to be entrusted with the power of fining the village officers to the extent of 3 rupees; therefore his proposal that they should be entrusted by Government with the power of dismissing or suspending village officers is, I think, a thing that carries on its face its own condemnation.

The amendment of the Hon'ble SUBBA RAO was put to the Council and lost.

The Hon'ble Mr. GARSTIN.—I now move that in clause 1 after the word "proprietor" the words "specially empowered in that behalf by the Board of Revenue" be inserted. The fact that the Board of Revenue gives this power implies that it can withdraw the same under the General Clauses Act.

The Hon'ble Mr. BLISS.—I second this proposal, and, in doing so, I wish to point out that the section, as it now stands, contains no provision to withdraw the power conferred upon the proprietor, no matter how grossly he may prove to have abused that power. If a Magistrate abuses his power we take away the power from him. But as the Bill now stands if the proprietor abuses the power he could not be touched. I think it is quite right to have some such proposal as the one now made. I am given to understand that the insertion of words to give the Board of Revenue authority to empower the proprietor implies that the Board of Revenue can withdraw that power under the General Clauses Act. It is there stated "where an Act confers a power to make any rules or bye-laws or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, bye-laws or orders."

I do not know whether that will be quite enough.

The Hon'ble R. RAMASUBBAIYAR.—The proprietor need not be given the power of fining, but he may be given the power of summoning the karnam and holding an inquiry, otherwise the karnam may refuse to appear before him.

The amendment, omitting the word "specially," was put to the Council and carried.

The Hon'ble Mr. GARSTIN.—I would also add at the end of clause 1 of section 16 the following: "Provided that the powers conferred under this sub-section by the Board of Revenue on any proprietor may, at any time, be withdrawn."

This amendment was also put to the Council and carried.

The Hon'ble N. SUBBA RAO, with the permission of Council, withdrew the following amendment, of which he had given notice:—

"insert here provisions relating to suits and their procedure."

Section 17.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—I beg to propose the amendment standing in my name, namely, in lines 5 and 6 for the words "granted or annexed thereto by the State" read "granted or continued in respect of, or annexed to, such village office by the State."

The object of the section is to give power to enfranchise from the condition of service inam lands or assignments of land revenue constituting the emoluments of the village officers specified in the Bill, and of which the Government had the power of disposal. Some of these inams attached to village offices had been granted or annexed by the State, others again were granted less formally or irregularly by various subordinate officers or proprietors, but subsequently were recognized and continued by the State, the grant in all cases being State property. As the section is worded, there might be a doubt as to whether its provisions, when strictly construed, would apply to inams of the latter class. The amendment proposed is intended to make it clear that the scope of the section embraces both classes of inams, and that it is not to be restricted to inams granted by the State itself in the first instance, and that grants of lands or land revenue assignments forming State property recognized and continued by Government, though irregularly granted in the first instance coming under its purview. The inams granted out of State revenue by the proper authority in the first instance or irregularly in the first instance but ratified or recognized or acquired in and continued equally by the State from emoluments attached by the State to the offices, and in both cases the proceeds of the enfranchisement should be credited to the Proprietary Village Service Fund.

The Hon'ble V. BHASHYAM AIYANGAR seconded the amendment.

The Hon'ble Mr. GARSTIN.—I accept it.

The amendment was put to the Council and carried.

Section 19.

The Hon'ble C. SANKARAN NAYAR.—My Lord, the amendments of which I gave notice in regard to this section involve a very important principle. According to the Bill as it now stands the Hon'ble Members will see that we have constituted a fund for each district out of which all the village officials in the several villages in the district are to be paid. Till now it has been the practice for each village to support its own officials. That is to say inhabitants and ryots pay *meras* to the village servants who are also given inam lands by the zemindars, so that they may have a control over them, and if they do not do their work, they withhold their fees; similarly the zemindar has a sort of control over them and can resume all the inam lands granted to them. Now after the passing of this Bill all that will be changed.

The paymaster will be the Collector or the officer in charge of the division, and the villagers will have nothing to do with the matter. The result will be that you may enfranchise inams in one village which may be valuable, and the proceeds of it will go to the payments of servants in another village. As pointed out in one of the memorials of the Zemindars' Association, it is like the taking of the proceeds of one kingdom for the payment of officials in another kingdom. That is the way in which it is put in one of the memorials. The Bill makes a very important departure, and I submit it is not a salutary one. We abandon the intention of those who granted these inams. They never intended that the proceeds of these lands should go towards the payment of other village officials; they intended them for the payment of the officials of a particular village. It is said that the emoluments from inams range from 20 to 50, or even to 200 and 300 rupees. From which the Council will see what a great difference there may be between the inams and emoluments of the village officers of different villages. On that one ground alone I say that this departure is not a salutary one. The Hon'ble Mr. Garstin, when he originally introduced the Bill, constituted a central fund for the whole of the Presidency. Objections were raised and the Select Committee reduced it to each district. (The Hon'ble Member here quoted an extract from the speech of the Hon'ble Mr. Garstin, in which the objections to the formation of a central fund were discussed.)

The Hon'ble Members will see that the only ground on which the original scheme was abandoned is that it is not practicable and that it involves such a laborious adjustment of accounts. The question before the Council is whether on that ground we are to depart from the established principle. There is one other matter in connection with the subject which I should like to refer to. In 1870, when Lord Mayo took the departure towards decentralization of the local finances, one of the objects he then had in view was the development of the principles of self-Government and the strengthening, if possible, of municipal institutions. That was pointedly brought to the notice of Local Governments by Lord Ripon's Government in 1882 when they expressed a hope—they went further than that, they expressed a desire—that the Local Governments would see their way to handing over to Local Committees or Local Boards, wherever they existed, so much of the funds as might be fairly handed over to them for expenditure on purposes in which they might take an interest. That hope was expressed in 1882 and I am one of those who hope to see the day when all the local cesses and all those funds which are not imperial in their character but which are to be spent upon local purposes will be handed over to the Local Boards. In this Presidency we have got village unions, and if there is a local cess which may be handed over to the control of the ryots and the villagers themselves and to the control of the local bodies, it seems to me that this is one of those local cesses. If you constitute a District Fund into which all this cess is to go, then your Lordship and the Council will see that there is absolutely no possibility in future of handing over the cess to local bodies. It may be—I am not sufficiently conversant with the matter—that at present we have no local bodies which work so satisfactorily as might induce your Lordship's Government to hand over the cess to them; but it is possible and even probable that, considering that we have already got village unions, such bodies will come into existence which may in course of time be entrusted with the control of the cess. If that is so, the Council will see that it will be practically impossible under the scheme now advanced to hand over to village unions and Local Boards the control of the cess raised for the local purposes. This involves a departure from the principle enunciated by Lord Mayo's Government—the very principle to

which the attention of the Local Governments was drawn pointedly in 1882. I am aware that on the occasion when a similar Bill was introduced—the Village-cess Bill—this objection was taken and the Council did not think fit then to uphold that objection; but in that case there was this to be said that for years the officers concerned have been Government servants and the villagers have no control over them. Even in that case the principle was the same. This was the view of the Government of India when the Act of 1864 was introduced. The Government of India said:—

"The attention of the Governor-General having been drawn by certain correspondence in the Financial Department to the Bill now before the Council of the Governor of Madras 'for the levy of a cess in lieu of village fees,' I am directed to observe that the late Viceroy consented with reluctance to the introduction of the Bill in its original form into the Council of the Governor of Madras.

"It is understood that the Bill has, since that consent was given, been materially modified in the direction of a still larger and more direct interference with existing village customs.

"I am desired to inform you that the point on which the late Viceroy chiefly hesitated, when asked for his assent to the introduction of the Bill, related to the policy of authoritatively exercising any general interference with these ancient and indigenous municipal institutions; and I am directed to intimate that the present Governor-General entertains very strong opinions as to the impolicy of such a course of action.

"Should the Bill, therefore, ultimately pass through the Council of the Governor of Madras, I am to request that, in submitting it for the assent of the Governor-General, you will, with the permission of the Governor in Council, forward also such portions of the correspondence upon which the Bill was founded, and such further documents as may serve to elucidate the presumed necessity for such a measure, and the object for which, and the manner in which, it is proposed to apply it."

Now my Lord we have disenfranchised these inams; we have abolished the meras; and we have practically deprived the villagers of any control over expenditure. In fact there is no local attachment; it is out of their power to see how that money is spent. For these reasons I submit, for the careful consideration of this Council, the following amendment of which I have given notice, which will have this effect: that the monies raised in one village should be spent in that village only. My amendment is to omit the words "shall be a uniform one for each district and" in lines 11 and 12.

The Hon'ble N. Subba Rao seconded the amendment.

The Hon'ble V. Bhashyam Aiyangar.—The principle involved in the Hon'ble Sankaran Nayar's amendment is that the whole cess levied in each village should be exclusively devoted to the maintenance of the establishment in that village.

The Hon'ble C. Sankaran Nayar.—Or groups of villages.

The Hon'ble V. Bhashyam Aiyangar.—A group of villages also forms a village under this Act. So long as the remuneration of village officers consists of meras or fees in grain payable by different land-holders in a village, this principle is inseparable from the system; but when for the improved efficiency of these village establishments you abolish these grain fees and substitute money cess and fix a salary in lieu of these meras and fees which have to be collected from various ryots and land-holders, it would be impossible to carry out the principle unless you are prepared to raise the maximum rate of cess from 10 pies to a much higher figure and unless you are also

prepared to devote a considerable portion of the cess levied under this Act to the maintenance not of the village establishments but for the maintenance of a staff of accountants and clerks attached to the office of the Divisional officer and the Collector's cutcherry for the purpose of keeping separate accounts for each village and of periodically auditing these accounts (hear, hear). I submit that, when once you depart from the immemorial custom of receiving fees out of the produce of the land and substitute a cess, it is impossible to carry out the principle. There will be several villages which, though large, are not very fertile or compact; and even if you impose the present maximum rate of cess the fund thus raised will be utterly inadequate to maintain the village establishments in such villages. There may be other villages which may be more fertile and compact, and in which the rate of even 5 pies may be sufficient for the maintenance of the village establishments in those villages. In connection with the development of Local self-Government alluded to by the Hon'ble Sankaran Nayar, I respectfully beg to submit that these village establishments are employed in the collection of public revenue, and I believe all public revenue derived from all the villages in the districts go towards what is called the general revenue of the country. I do not know whether the time will ever come when the village establishments and the cess levied for the remuneration and maintenance of these village establishments, whose chief function is the collection of the general revenue of the State—I believe the bulk of the general revenue of the State consists of land assessment—can be made over to local bodies having no concern with the general revenues of the State to be controlled and administered by them. If there is any force in the Hon'ble Sankaran Nayar's observation, it must be equally applicable to ryotwari villages. Now the experiment of constituting a separate fund for each village was tried under the original Village-cess Act of 1864, the experiment was tried for a number of years, and the result was hopeless confusion, accumulation of various balances in different funds, constituting separate village funds, and deficits in different village funds. That insuperable and practical difficulty having been experienced by the Board of Revenue and the Government, the recent Village-cess Bill relating to ryotwari villages was introduced and passed into law, one of the chief objects of it being to legalise appropriation for village establishments in general of balances which accumulated in numerous village service fund. Of course, I believe, nothing will be more unpopular than the increase of the rate of cess which is fixed at 10 pies in the Bill; and to carry out the Hon'ble Member's object it will be absolutely necessary to raise the maximum rate from 10 pies to a much higher figure, so as not to allow the village establishments in certain villages to starve. Will the Hon'ble Member be prepared to support any motion for increasing the maximum rate of cess? For obvious reasons it is undesirable to give power to the executive Government to increase the maximum rate of cess from 10 pies to a higher figure. It must be borne in mind that, under section 18 which describes the charges upon the Proprietary Estates' Service Fund, all charges connected with the administration of the Proprietary Estates' Village Service should be met out of the Village Service Fund. Nobody would for a moment contend that the charges connected with village service should be met from any funds other than the Village Service Fund itself. So far as fees are collected in grain, by the village officers concerned, there is no occasion for keeping a separate Village Service Fund or separate accounts or providing separate audit. The number of villages in proprietary estates will be thousands, even after you group a number of villages into a single village. If you are to have separate Village Service Funds, then the cost of administering the Village Service Fund in each village will have to be met out of that fund, and though I have no experience, I may not be far wrong in saying that no inconsiderable portion of the fund will have

to be devoted to expenses incidental to the keeping of separate accounts and auditing them. I submit that the Bill, as far as it has gone, regards each district as a unit and I do not think it is possible to go further and constitute each estate and much less each village as a separate unit and have a separate fund for each village or estate. I think the additional charges which will have to be incurred in connection with the keeping of so many separate funds and specially the necessity there will be for increasing the maximum cess seem to me to be insuperable objections in the way of carrying out the principle advocated by the Hon'ble Sankaran Nayar, though in a theoretical point of view I do not mean to deny there is force in the observations made.

The Hon'ble Mr. GARSTIN.—I think, my Lord, the Hon'ble Mr. Bhashyam Aiyangar has dealt very forcibly with the motion made by my Hon'ble friend Mr. Sankaran Nayar, and all that I have to say in addition to what he has said is that I do not think any case has been made out for keeping each village separate and for keeping the accounts of each estate separate, and I consider, for the reasons given by the Hon'ble Mr. Bhashyam Aiyangar, that it would be found utterly impossible to do so owing to the great number of estates. If there were only one or two big estates likely to come under this Act, it might be possible to make arrangements to keep the accounts separate. But thousands of very small estates will probably come under this Act; and therefore it is absolutely necessary in the interests of the estates themselves that the various estates in each district should throw all their contributions into one fund. It was originally intended to have one fund for the whole Presidency, but in the Select Committee we modified this view and adopted the principle of district funds. Beyond that I consider it utterly impossible to go, therefore I am unable to accept the Hon'ble Member's amendment.

The Hon'ble C. SANKARAN NAYAR.—My Lord, there are two objections advanced against my proposal. One is the practical difficulty in carrying out the scheme, and the other is the additional expenditure that will be incurred by keeping these accounts separate. So far as the practical difficulty is concerned, those who advance the difficulty seem to have forgotten that it is not I who now seek the departure, and that it is not those who agree in my view that seek the departure, but it is those who want to constitute a district fund, which I say constitutes a danger. All the money of the village should be spent in that village only, and those who say that system should be departed from and that a district fund should be constituted, seek a departure from the existing state of things. What do we find in the last section? The last section says the Board of Revenue is to make rules for the duties of the several village officers and the descriptions and the forms of registers to be kept by them. Is it to be supposed that the Board of Revenue could not pass rules to make the karnams keep the accounts of each village separately? I cannot conceive that my plan is impossible. The Board of Revenue will have to pass rules compelling the various karnams to keep the accounts of the various villages. What then becomes of the difficulty of keeping separate accounts? The karnam of one village would not keep the accounts of income and expenditure of another village. It is to be expected that he will keep the accounts of the income and expenditure of that village in which he is employed. So far as the difficulty of keeping accounts is concerned, I must say, though I am not well acquainted with the matter, that in my opinion there is not much force in it. The Hon'ble Bhashyam Aiyangar has objected to my amendment on the ground that these village establishments are simply Government servants employed for the collection of public revenue and therefore you cannot expect all these funds to be handed over to the control of local bodies. The answer to that is the fact that at

present the control is with local bodies. It is the villagers themselves who now disburse the meras they have to pay. But what we now do is to take away the control of the local bodies in view to the constitution of district funds to be spent in a way that the communities concerned have no knowledge of whatever. Furthermore I submit to the Council that it is quite incorrect to regard these establishments simply as Government establishments. It is a matter, of course, of controversy as to the status of the village officials. But I do not think that anybody has gone like the Hon'ble Bhashyam Aiyangar so far as to say that these village establishments are Government establishments for the collection of public revenue only. They are not only to be regarded as Government servants but also as village servants. Then, my Lord, as to additional expense, I have no doubt that the Council would be glad to hear from the Hon'ble Bhashyam Aiyangar or the Hon'ble Member in charge of the Bill why the charges would be so enormously increased. We should like to have some information before we veto this proposal as to how many villages there would be where the cess would have to be increased. It cannot be in all the villages, because we find the present expenditure in certain villages far exceeds that which will be incurred under the Bill, as indicated in the Hon'ble Mr. Garstin's speech. Therefore to say that the charges will have to be enormously increased without giving us an idea as to how it is to be increased and in how many villages and in what proportion is scarcely sufficient to dispose of the proposal. I submit to the Council that the principle which I advocate is a principle which is unimpeached as yet and which must be carried out in spite of the small difficulties there may be in working it. I submit the difficulties pointed out are not such that we should hesitate to give effect to the scheme indicated in my amendment. With your Lordship's permission I wish to add one more word. The proposal I now put forward is one that was put forward by C. V. Rangacharlu, the late Dewan of Mysore, some years ago. It appears as if we are going backwards.

The Hon'ble Mr. BLISS.—With reference to the argument of the Hon'ble Sankaran Nayar as to existing local management of the funds, it may be perhaps as well to point out that the existing local management of these funds has resulted in a great and disgraceful confusion, and therefore it is that we are forced to resort to some other scheme.

The Hon'ble C. SANKARAN NAYAR.—But you should not abolish them.

The amendment was put to the Council and lost.

With the permission of the Council the Hon'ble SANKARAN NAYAR withdrew the following further amendments standing in his name as being consequential :—

in line 18, to omit "all";

in line 24, to omit "within such district" and to substitute "within the village or group of villages in which such cess is imposed";

to add to sub-section (1): "The proceeds of the cess hereby authorized to be levied shall be applied towards the remuneration of the village servants in the village or group of villages in which the cess is raised".

The Hon'ble N. SUBBA RAO.—I do not wish to propose the following amendments of which I gave notice :—

in lines 14–17, to omit the words "together with the other assets of the Proprietary Village Service Fund constituted under section 28."

in line 17, to substitute the words "not exceed half" for "suffice to meet."

I request permission to withdraw them.

The Hon'ble K. Kalyanasundaram Aiyar seconded this motion.

Permission to withdraw the amendment was then granted by the Council.

The Hon'ble P. Rangayya Nayudu, on behalf of the Hon'ble A. Sabhapati Mudaliyar, withdrew the following amendments with the permission of the Council:—

in line 8, to substitute "five pies."

in line 9, after the words "rent-value of" to insert the words "actual collection on."

in line 24, to substitute the word "estate" for "district."

Section 20.

The Hon'ble P. Rangayya Nayudu, in behalf of the Hon'ble A. Sabhapati Mudaliyar, withdrew the following amendments with the permission of the Council:—

in clause 1, line 8, to substitute the words "actually paid" for "payable."

in clause 1, line 21, after the word "lower" to insert the words "or higher."

The Hon'ble N. Subba Rao.—I beg to propose that in clause 3, line 54, the word "assessment" be substituted for "rent" and "inam" be inserted between "on" and "lands of similar description" in line 55. The rent is the basis upon which the cess is levied and I propose that assessment should be the basis instead of rent as stated in this clause. I may mention that in the original Bill, as well as in the first amended Bill, the word used was "assessment" and not "rent." I may draw the attention of the Council in this connection to the fact that, with regard to the local cess to be levied on the same class of lands, the basis of levying the cess is the assessment and not the rent of the lands, according to section 64, clause 2 of Act V of 1884. So also in the case of village cess. The assessment is the basis and not the rent—section 5 of Act IV of 1893. For the first time it is only here that rent is substituted. I submit that it would be better to have assessment rather than rent as the basis, because in the one case where we have the assessment, the cess is more or less fixed and the village officers will not be troubled with periodical returns as to the rents received annually. It is just possible that complaints might be made that the returns submitted do not represent the actual rent received. I see no reason why the same rules which are imposed in regard to the other Acts should not be applied here. If you insert the word assessment you have a fixed security for the cess, seeing that the assessment itself is certain for the same class of lands. I submit the assessment is the basis under similar regulations.

The Hon'ble Mr. C. A. Galton.—With reference to the proposal to substitute assessment for rent, I may point out that in many zemindaris no assessment is fixed at all; and then there will be no basis for calculation other than rent.

The Hon'ble N. Subba Rao.—These mirasi lands are going to be enfranchised and then the assessment will have to be fixed on these lands. The proposal is that on the assessment which you are going to fix you should base your cess. In the case of lands which are going to be enfranchised and in the case of the lands which are already enfranchised you have assessment as a basis for calculation.

The Hon'ble Mr. Bliss.—The Hon'ble Member has proposed to introduce the word "inam" before "lands." The essential attribute of inam lands is that there is no assessment payable. In regard to his other amendment, the Hon'ble gentleman is under a misapprehension. He argues that because that assessment is referred to in other cases, it should be referred to in this also, and quotes the Village Cess Act.

That Act applies to Government villages, and there all the lands are assessed and the people are put on the same footing. As regards the lands in zemindaris, as pointed out by the Hon'ble Mr. Galton, there are many lands on which there is no assessment at all. If the tenants who occupy the ordinary lands are to pay their cess on the basis of the annual rent payable to the proprietor, I think the cess should be levied in regard to inam lands on the basis of rent and not on the basis of assessment. Another thing is—as regards the inam lands in zemindaris it will be easy to ascertain their rent value; but if you are to ascertain the assessment, you will have to go perhaps for miles. Take for instance Ramnad—in many parts of it you may go 60 or 70 miles, but you will not arrive at similar kinds of land. Another point I may point out is: The Hon'ble gentleman has referred to the Local Boards Act as showing that under that Act the measure of valuation of land was assessment. If you look at the section 64 of the Act, you will find that assessment is the measure in the case of lands held under Government tenure. Then comes the case of inam lands, next to that comes the case of land held under any other tenure. With regard to the latter, the Local Board Act says: "in the case of lands held on any other tenure, the annual rent payable to the landholder by his tenants, together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent-value of the lands held by such tenants; and where such lands are occupied by the owner himself or by any person holding the same from him free of rent or at a favorable rent, the annual rent-value shall be taken to be the rent ordinarily payable to the landholder for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself, or by any person holding the same from him as aforesaid." Where lands are occupied by the owners themselves and in the case of inam lands in zemindaris the basis of the cess is not the assessment, but the rent ordinarily payable for such lands situated in the neighbourhood. That being the law in the Local Boards Act with regard to the local cess, I do not see why a similar rule should not hold good here.

The Hon'ble N. Subba Rao.—I may mention that there are two classes of lands—inam lands in proprietary estates and mirasi lands which are going to be enfranchised. All these come under this clause.

The Hon'ble Mr. Garstin.—The mirasi lands will be the only ones that will be enfranchised.

The Hon'ble N. Subba Rao.—Let us keep these two classes distinctly separate With regard to inam lands the measure for cess is provided under section 64.

The Hon'ble Mr. Garstin.—No, that is for Government lands.

The Hon'ble N. Subba Rao.—The case of inam lands in proprietary estates is governed by clause 2 and not by clause 3 of section 64, and it is under clause 2 that local rate is based on the assessment and not on their rent. That is the present procedure with regard to inam lands. Then again in the Village Cess Act, which refers to inam lands in Government villages, the basis is the assessment, so that with regard to inam lands both in Goverment villages and in proprietary villages under these two Acts the assessment is the basis. In regard to zemindari lands, we do not know the assessment, and therefore the rent-value is the basis on which the local cess is levied in zemindari tracts; but where the assessment is known, assessment is taken to be the basis. Therefore, I say, when under the Local Cess Act these inam lands in proprietary estates pay cess on assessment, why should you not adopt the same course in this Bill? Assessment is to be fixed according to the order of Government

upon the rental value. Enfranchisement takes place after ascer g what the rental value of the land is, and five-eighths of the assessment is taken to th -rent. Therefore when the assessment is based upon the rent and when we le ess upon the assessment, we practically levy the cess upon the rent itself. Th fference is that, by introducing the word "rent," you may be uncertain as to t of cess as it will change from year to year, but by using the word "assessm will make it certain. My amendment may be expanded into "assessment whic nds will bear if they were not inam lands."

The Hon'ble K. RAMASUBBAIYAR.—In every village the Collector has to decide what the assessment will be on inam lands. That may be taken as a test in fixing the cess. Wherever the assessment can be ascertained, assessment should be taken as the basis. I believe that will be practically possible in every village, because the inams in each village will be enfranchised. I believe this thing is clearly mentioned in the Local Boards Act, where it says that the cess will be levied on the assessment and not on the rental value. Practically we shall be in a position to ascertain with regard to each village what the assessment ought tobe. Therefore I support the amendment of the Hon'ble N. Subba Rao.

The Hon'ble V. BHASHYAM AIYANGAR.—I think the Hon'ble Subba Rao's amendment will have the merit of bringing this Bill into conformity with the provisions of the Local Boards Act. As I read clauses 2 and 3 of section 6 of the Local Boards Act, I find that clause 2 deals with inam lands held under Government, whether in ryotwari tracts or in zemindaris, and whether enfranchised or not. That clause reads as follows:—

"In the case of inam lands, or lands held wholly or partially free from assessment, the full assessment which such lands would bear if they were not inam, together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent-value; and such full assessment and water-rate shall be determined by the Collector of the district under the general orders of the Board of Revenue."

The last provision is evidently intended to meet cases in which there may be inams which have not been enfranchised; and therefore there may be no data for determining what the full assessment would be upon the inams if the inams were resumed, and there are inams in several proprietary estates and also I believe in Government villages which have not been enfranchised. Then clause 3 relates not to inam lands held under Government but to lands belonging to the zemindar which are occupied by himself or his tenants or by any other person who holds it from him free of rent or at a favorable rent. In that case the full rent is taken as the rental value of the land. This clause 3 reads as follows:—

"In the case of lands held on any other tenure, the annual rent payable to the landholder by his tenants, together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent-value of the lands held by such tenants; and where such lands are occupied by the owner himself or by any person holding the same from him free of rent or at a favorable rent, the annual rent-value shall be taken to be the rent ordinarily payable to the landholder for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself, or by any person holding the same from him as aforesaid."

That relates to cases where lands are not Government inams. The proprietor is at liberty to give any inams he likes subsequent to permanent settlement. Therefore, I think, the Hon'ble N. Subba Rao should modify his amendment so as to bring it in conformity with clause 2 by inserting the words "that the assessment shall be decided by the Collector according to the general orders of the Board of Revenue."

The Hon'ble Mr. BLISS suggested that the clause might run as follows :—

"In the case of inam lands or lands held from Government wholly or partially free of assessment and of inam lands enfranchised under section 17, the annual rent-value shall be taken to be the full assessment which such lands would bear if they were not inam, together with any water-rate which may be payable to Government in respect of such lands; and such full assessment and water-rate shall be determined by the district Collector under the general orders of the Board of Revenue."

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—I wish to make one observation with reference to what the Hon'ble Ramasubba Aiyar said. He assumes that the assessment on which quit-rent on inams is based could not be raised at any time. The amount of quit-rent cannot of course be raised; but when there is a re-survey of the district and when ryotwárí lands of similar quality are made to pay an increased assessment, it cannot be assumed that the inamdar has no right to increase the assessment. I second the amendment of the Hon'ble Mr. Bliss.

The clause as amended by the Hon'ble Mr. Bliss was then put to the Council and agreed to.

His Excellency the PRESIDENT then adjourned the meeting to 11 A.M. on Wednesday the 20th December 1893.

(By Order).

MADRAS, (Signed) A. BUTTERWORTH,
18*th January* 1894. *Secretary to the Council.*

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

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Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 *and* 25 *Victoria, Cap.* 67, *and* 55 *and* 56 *Victoria, Cap.* 14.

The Council met at the Council Chamber in Fort St. George at 11 A.M. on Wednesday, the 20th day of December 1893.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding.*
The Hon'ble Mr. J. H. GARSTIN, C.S.I.
The Hon'ble Mr. H. W. BLISS, C.I.E.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. C. A. GALTON, M.A.
The Hon'ble Mr. H. F. CLOGSTOUN, C.S.I.
The Hon'ble Mr. J. GROSE, M.A.
The Hon'ble Mr. C. S. CROLE.
The Hon'ble Colonel J. PENNYCUICK, R.E.
The Hon'ble Mr. W. P. AUSTIN.
The Hon'ble Mr. A. MONRO, M.A., B.C.L., Barrister-at-Law.
The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.
The Hon'ble the MAHARAJA OF VIZIANAGRAM, G.C.I.E.
The Hon'ble V. BHASHYAM AIYANGAR, B.A., B.L., Rai Bahadur.
The Hon'ble Mr. J. A. BOYSON.
The Hon'ble P. RANGAYYA NAYUDU.
The Hon'ble N. SUBBA RAO PANTULU, B.A., B.L.
The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.
The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.
The Hon'ble the Rev. W. MILLER, M.A., LL.D., C.I.E.

His Excellency the PRESIDENT, in opening the Proceedings, said :—

GENTLEMEN,—I have to call the attention of the Council to a question which I mentioned at the last meeting with reference to the lamented death of the Hon'ble Mir Humayun Jah Bahadur. I have in my hand a telegram from His Excellency the Viceroy; and on his behalf I have to express the great regret he felt on hearing of the death of the Hon'ble Mir Humayun Jah and especially the loss he will suffer in consequence of his not being able to have the assistance which he looked for from the services of the Hon'ble Gentleman. His Excellency the Viceroy has asked me to let him know, as soon as possible, who is likely to be the candidate to be selected by the non-official members of this Council, to take his place on the Viceregal Council. I therefore ask the Hon'ble Members to be good enough, after this meeting concludes, to arrange among themselves for a meeting within the course of a week so as to be able to furnish me with the name of the Hon'ble Member they wish to submit. I would ask them, when they come to a conclusion as to what day and hour they would like

to meet, to let Mr. Butterworth know, in order that he may make proper arrangements for recording the name of the candidate and sending it to His Excellency the Viceroy. We will now proceed with the business where we left it at our last meeting.

THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE BILL.

The SECRETARY.—Two further petitions regarding this Bill have been received since the last meeting of the Council. They are merely copies of the petitions previously received. I submit they may be taken as read.

This was agreed to by the Council.

Section 21.

The Hon'ble P. RANGAYYA NAYUDU.—On behalf of the Hon'ble A. Sabhapati Mudaliyar, I beg to move that in line 10 after the word "of" be inserted the words "actual collection on."

The Hon'ble N. SUBBA RAO seconded the amendment.

The Hon'ble MR. GROSE.—I understand that the amendment as to actual collection has been seconded, and if so, I have to say that I do not think this can be allowed. Knowing that the question whether the cess should be levied on the demand or the collection was a very important point strongly urged by the proprietors, the Select Committee took the matter into careful consideration, and after prolonged discussion they arrived at the conclusion that it was not right in itself, and even if right it would be impossible to carry it out. All analogy is against the amendment. For the last 29 years the cess has been levied upon the actual demand in Government villages. The ryots have paid the full amount of the cess on their assessment, whether a remission was granted to them or not. This system has been eminently successful in Government villages, and I submit, my Lord, it ought *a priori* to be tried in zemindari villages. It is obviously right that the lands occupied by the zemindar's palace or by the houses of the retainers, and the land which is let out at a favorable rent, should pay the cess on their full rental value. This is fully provided for in the latter part of clause (1) of section 20, but by the amendment of section 19, which I believe was withdrawn, the cess was to be levied on the collections only. Now in the case of those lands occupied by the zemindar's palace and by his retainers' houses there will be no collections at all; and in the case of lands let out at favorable rent, the collections will be much less than they ought to be according to the principle of the Act. It is possible and is often the case that the proprietor in a spasm of liberality may for one thing or another remit the rent of his tenants. I am sure the Council will agree with me that it is very hard that the funds should suffer in such a case as this. It will be difficult if not impossible—I think I may say it will be impossible—to base the calculation of the cess on the actual collections. When rents are not paid, the proprietor often gets a decree for the amount due to him; and when the decree comes to be executed, the sums due by the proprietor on account of supplies, or for one thing or another, are deducted from it and the full amount of rent does not appear in the accounts. Some land-holders take bonds as if they were for debts when rents are not paid; and when the amounts in these bonds are recovered, they are shown as debts recovered and not as collections of rent. It will be very difficult for those immediately concerned—I submit, my Lord, it will be impossible for the collectors of rent—ever to determine what are the actual collections on account of rent. The adoption of the amendment would cause an immense amount of friction between the collectors of cess

and the zemindars. I do not think the proprietors can have taken into account what this will be. The ostensible object of the amendment is to free the proprietor from liability to pay the cess upon rents, when he has remitted them on account of drought or any reason of that sort; or when he is unable to recover them on account of the poverty of the ryots or anything of the kind. If abatement is allowed on account of remission, it is obviously necessary that the proprietor must lay down precisely the rules for remission, just as they are promulgated in Government villages. He will have to satisfy the collectors of rent that the rules have been strictly enforced; and if the abatement is allowed on rent that is irrecoverable, the proprietor will have to satisfy the collectors of cess that he has exhausted every process that can be executed under Act VIII of 1865. This, my Lord, I submit, will involve an amount of interference on the part of the collectors of cess with the proprietors which they will not brook and which they ought not to suffer. Lastly, I must point out that the value of the cess is to be fixed under section 20, so as to raise the amount which will just suffice to meet the cost of establishment. It must therefore be fixed with reference to the demand, and if in any year the collection falls short of the demand, and accordingly the cess levied on it becomes smaller than was expected, then it will be unable to meet the requirements of the establishment and must be raised again next year. Thus the proprietor will be no better off, if the amendment is adopted, than if it is not. The rate of the cess will vary from year to year; and I am sure the Council will agree with me that uncertainty is amongst the worst faults of taxation. On these grounds amongst others, my Lord, it has been concluded that the cess cannot be charged on the collections, but must be levied on the demand; but the Select Committee have done all that is possible for the proprietors by inserting clause 3 of section 25, which makes the cess the first charge on the land.

The Hon'ble K. Kalyanasundaram Aiyar.—I have only to say a very few words. I agree generally with all the remarks that have just been made by the Hon'ble Mr. Grose. But making allowance for all these difficulties, it does seem to me it is quite possible that a portion of the rent due to zemindars will never be collected at all. I would respectfully submit, for the consideration of Government, whether it will not be possible to make a deduction once for all upon the rental value upon which the cess should be collected, and that the cess should be fixed, not upon the total demand, but after deducting a certain percentage of the rent value—say, 10 per cent. If the cess is therefore levied on the remaining 90 per cent. of the demand—of course the demand itself being fixed—it seems to me that it would meet the difficulties which the zemindars feel in collecting the whole demand. I leave that matter to the consideration of Government.

The Hon'ble Mr. H. W. Bliss.—With reference to what has just fallen from the Hon'ble K. Kalyanasundaram Aiyar, I beg to point out that, as the Hon'ble Mr. Grose remarked, the intention is that the amount levied by the cess is to be only so much as will just make up the amount of money that will be just required to pay the village servants. If you do not levy therefore that amount upon the whole amount of demand but only upon a percentage of the demand, it follows that you will have to levy the cess at a higher percentage upon the portion of the demand than if you charge it on the whole demand. That is to say, for instance, if on the whole demand the rate of eight pies in the rupee is sufficient to produce the amount which you require, you will levy only eight pies; but if you are to levy, not upon the whole demand, but only upon a percentage, then you will have to levy nine or ten pies in the rupee—the maximum allowed under the Act. Under these circumstances it seems to me there will be no advantage gained by levying the cess only upon a percentage of the

demand. It will be an illusory benefit, as it practically comes to the same thing. The whole amount that is required has to be raised, whether you levy it upon the whole demand or upon a portion of it. It makes no difference whatever—the rate in the one case will be higher than in the other case. Therefore there is nothing to be gained by it.

His Excellency the PRESIDENT.—I think we may also regard this matter from the analogy of other countries. Where the same matter crops up as in England, I may say that the local taxation is always demanded on the full rent value which is laid down in the book as the recorded rent value of any particular farm. Supposing a landlord in any particular year chooses to remit a certain amount of rent value—he levies, say, only £50 while he should levy £200—the demand made for the purposes of local taxation is made on the whole rental value, whether the landlord has remitted any money or not. While the principle is there acted upon, I do not see why it should be departed from here. It is found to work very well on the whole. If it is subjected to variations, as suggested by the amendment, it is almost impossible to estimate the amount required for the establishment which has to be paid out of this particular cess. Therefore as far as I can judge, we are only following the example which has been set by a country which has paid particular attention to local taxation for a great number of years. I hope the Hon'ble Member will not press his amendment.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—My Lord, I wish to make just one observation in connection with the question that is before us. In regard to the question of the cess being assessed upon the demand for rent instead of the actual collections, I would point out that the effect of allowing a percentage deduction in the demand to cover the possible loss to the proprietor on account of irrecoverable arrears of rent would be to increase *pro tanto* the taxation upon the tenant; and under this Bill, the zemindari tenant has to pay his share of the cess on the rent, on the presumption that his income or profit is equivalent to the rent he pays to the zemindar—a presumption which is pretty wide of the truth. In these circumstances I would not do anything which would have the effect of enhancing the taxation on the tenants.

The amendment was put to the Council and lost.

The Hon'ble P. RANGAYYA NAYUDU.—I propose in line 5 to insert between "estate" and "shall" the words "not required under Act V of 1884 to give a list." In section 4 there is mention of five classes of proprietors, of whom four classes of proprietors now supply the list to Revenue officers in regard to the income of their estates, so as to enable the Revenue officers to calculate the road-cess. The Revenue officers calculate the road-cess at one anna per rupee. I think the same account will also do for the purpose of calculating at 10 pies in the rupee. I do not see what necessity there is for compelling those proprietors who are supplying such lists, to supply another list of the same sort for another purpose, when the information required can be got from the same list. Then it was said in the Select Committee that these lists do not contain information about minor inams. I made enquiries into the matter in the mofussil, and I find the list shows the minor inams also. This Bill throws an additional amount of work and an additional responsibility upon the proprietors, and asks them to pay penalties if they fail to do the additional work that we throw upon them. Therefore I think that this is an additional burden thrown upon the proprietors.

The Hon'ble R. RAMASUBBAIYAR seconded the amendment.

The Hon'ble Mr. J. H. GARSTIN.—My Lord, the only reason that I have to put forward in opposing the Hon'ble Member's motion is that it would not give as much trouble to zemindars as it is supposed, because, if the return that is to be sent in

under this Act is practically the same as the one that has to be sent in under Act V of 1884, the only additional labour will be to make a copy of it. But so far as the Collector is concerned, the Local Board's office is one branch of his office and the Revenue branch is another, and it is to the latter that the return has to be sent in under this Act. It is absolutely necessary for purpose of administration that there should be a copy in each of the two branches of the office and that they should be kept distinct. I am not inclined to oppose the amendment strongly, but certainly I am not in its favour. I would leave it to the Council to decide whether it should be accepted or not. For my own part I should say it is expedient that the return should be submitted, and that it will not really involve any additional labour upon the proprietors beyond making a copy of the return sent in under Act V of 1884. If it does, it will only be very slight.

The Hon'ble V. Bhashyam Aiyangar.—Two minor points require to be noticed. So far as the trouble is concerned there does not seem to be much force in that argument, because, according to the Hon'ble Rangayya Nayudu's statement the land-holder has to prepare an account for the purpose of the Road-cess Act, and therefore there is really no additional burden imposed, as he is only required to submit a similar account for the purpose of the cess under this Act. If without any practical inconvenience he can be even relieved of the clerical trouble of preparing another account, it may, no doubt, be said that one account might do for both. No doubt it will be so if the two accounts are identical, but there are two matters in respect of which the two accounts are not identical. Under the Road-cess Act—I mean the Local Boards Act—an under-proprietor, who is not registered, is not regarded as a land-holder who has to furnish an account. In several zemindaris there are under-proprietary estates held under a permanent tenure which are not separately registered as estates; and under the Road-cess Act the rental value of these under-proprietary estates in which the superior proprietor, that is the zemindar, has hardly any interest, is also included in the list furnished by the zemindar himself; but under this Act the under-proprietor, though not registered as such in the Collector's office, is regarded as a proprietor, and it was considered desirable that he should be regarded as a proprietor, because so far as the village officers are concerned the under-proprietor takes the place of the zemindar himself. Therefore it was considered best to vest the power of fining village officers and exercising control over them, in the under-proprietor and not in the zemindar, because he has scarcely anything to do with the tenants of the under-proprietor. All that he has to see is that he gets the *poruppu* or fixed sum due to him from the under-proprietor. Therefore the Divisional-officer will have to take the responsibility of eliminating from the list furnished by the proprietor that portion of the rental value which is chargeable upon the under-proprietary estate included in the superior estate. I think it will be much easier for the proprietor himself to eliminate that portion of rental value and send a list showing only the rental value of his estate on which alone the cess is leviable under this Act so far as the zemindar is concerned. Under the Local Boards Act the word "land-holder" is defined so as to include all inamdars, even minor inamdars; see clause 11 of section 3, Act V of 1884. In the present Act it is only the inamdar of an entire village who is defined as a proprietor, whereas the minor inamdars—that is, holders of inams not constituting a whole village—are included in the estate of the zemindar himself. From the observations made by the Hon'ble P. Rangayya Nayudu it would seem that the holdings of minor inamdars also are included in the list furnished by the zemindars, and if that is so, it is not by reason of what is required by the Local Boards Act. It may be that the minor inams referred to by the Hon'ble Member are inams granted

by zemindars after the permanent settlement. I submit that the list furnished by the proprietor under the Local Boards Act will contain more than what is required for the list to be prepared under this Act, namely, the rental value of the sub-proprietary estates, and also there will be an omission in the list furnished under the Local Boards Act, inasmuch as under the Local Boards Act those lists need not contain the rental value of minor inams, whereas under the present Bill the rental value of minor inams has to be included in the list submitted by the proprietor. It is plain that, after all, no real additional trouble is imposed upon the zemindar, and I really do not see any valid reason for the proposed amendment.

The Hon'ble P. Rangayya Nayudu.—With regard to the objection made, that the income of the inamdar possessing the whole village is included in the list given by the zemindars, here there is a provision that he is regarded as one of the proprietors and ought to send in a separate list. I do not object to his sending in a separate list, because under section 4 he becomes an independent proprietor, and he does not at present supply any account to the Revenue officers. I only say that those who are actually supplying accounts now are not to be required to supply the same again and those that do not supply them now must be required to supply them now. I made enquiries especially in the Karvetnagar zemindari and I saw the list where it is put down *Chillarai* inams, that is, minor inams. Then with regard to calculation, it is said that one is required for the Local Fund Board, but the Local Fund Board makes no calculation and the accounts are sent to Revenue Department, where the Tahsildar calculates what the cess will be for each zemindar; he submits it to the Collector, and there it is simply said so many rupees for the land-cess for such a year. The Local Fund Board has nothing to do with the accounts. They do not check the accounts; all that is done by the Local Fund Board is to see that the account is sent in by the Revenue Department, stating that so much is the cess. The lists are in the Tahsildar's office, and he can easily calculate the cess at 10 pies in the rupee and send to Government or the Divisional officer, and say that so much is the cess required for village purposes. What is the difficulty there? Instead of that, you make the zemindar submit another list, while all that you have got to do is deduction. The fifth proprietor who is mentioned in section 4 will be sending in his list and all that is required is that that should be deducted from the land-cess. Whereas if the zemindar has to send in 700 copies, he must have an establishment. You have taken away all his powers over the karnam and you have placed the latter under the disposal of the Revenue officer. Suppose the karnam does not do the work, the zemindar will be in difficulties. If the zemindar does not send in even a copy within the time specified, he is to be fined Rs. 100, and for every omission he is to be fined Rs. 100. Is that what is to be contemplated by this Act, giving unnecessary trouble to the zemindars and inflicting upon them penalties?

The Hon'ble Mr. H. F. Clogstoun.—I should like to say that this matter was carefully considered in the Select Committee at which the Hon'ble P. Rangayya Nayudu adduced all his arguments in favour of the course he now proposes to adopt. But so far as the account that has to be submitted under this Act is concerned, it is in exact accordance with Act V of 1884, and therefore there is very little trouble imposed upon the zemindar. In the Bill under consideration, we have endeavoured, as far as possible, to relieve the proprietor of his trouble. There is one admitted difference between the two accounts as pointed out by the Hon'ble P. Rungayya Nayudu, but there may be other differences. If there are other differences, the proprietor is the only person who can prepare the account with any accuracy. If it is left to the Collector to determine what items fall under this Act and what items under Act V of 1884, I think

a great deal of trouble and correspondence to the proprietors will be involved, which will be obviated by accepting the Bill as it stands at present, requiring the proprietor to submit what seems to me to be a very simple account.

The Hon'ble P. RANGAYYA NAYUDU.—Under the Bill, if the proprietor fails to submit the accounts, a fine of Rs. 100 will be inflicted upon him and then the Revenue officer will have to calculate the cess. Instead of the Revenue officer then calculating it, he can at once ask the Tahsildars to make the accounts from the lists sent in. Supposing a man who has to send 700 copies, which would cost him a large amount, chooses to pay a fine of Rs. 100, what will you do? The Collector will have to go through everything. Instead of doing that it will be far better to take the former list and calculate it.

The Hon'ble Mr. J. H. GARSTIN.—I think, my Lord, the Hon'ble Member has himself suggested rather a strong argument against his own proposal in what he has said. He points out that the list sent in under the Local Boards Act goes no further than the Tahsildar and there the necessary information is abstracted.

The Hon'ble P. RANGAYYA NAYUDU.—I said the whole calculation is made in the Tahsildar's office.

The Hon'ble Mr. GARSTIN.—Yes; he makes the calculation and sends an abstract of the information given by the zemindar to the Collector's office. To expect the Collector in this way to delegate practically his power of determining the amount payable by the zemindars in a district to Tahsildars in respect of this tax is, I think, decidedly unfair. That is a strong reason why a copy of the account should be sent to the Collector's office direct. I do not see how the Hon'ble Member makes out that 700 copies will have to be sent in if there are 700 villages. I believe the procedure that will be adopted at the head-quarters of the zemindari will be that an abstract will there be made from the accounts sent in from the different villages, and that abstract only will be sent in. The preparation of that account may cause some trouble, but I am sure that it will not be a bulky one. There may be 700 entries. It must be remembered that it will differ very little in form from the account sent in under the Local Boards Act. Therefore, as I said before, there will be very little additional burden thrown upon the zemindars in making a copy of the account and sending it to the Collector. Although I leave it to the Council to decide it, and I am not strongly opposed to the amendment, yet at any rate I do not think it is expedient and therefore I am not disposed to accept it.

The amendment was put to the Council and lost.

The Hon'ble N. SUBBA RAO, with the permission of the Council, withdrew his proposed amendment to insert after "occupied" the words "by himself or his tenant."

Section 22.

The Hon'ble P. RANGAYYA NAYUDU moved on behalf of the Hon'ble A. Sabhapati Mudaliyar that in line 7, after the word "of" the words "the actual collection of" be inserted.

His Excellency the PRESIDENT.—Do you withdraw it?

The Hon'ble P. RANGAYYA NAYUDU.—I was found fault with for withdrawing amendments the other day. I was asked to propose and not to withdraw them. Therefore I propose it.

In the absence of a secondor, the amendment fell through.

Section 25.

The Hon'ble P. RANGAYYA NAYUDU, on behalf of the Hon'ble A. Sabhapati Mudaliyar, proposed the following amendment, namely, that in line 5, after the words "respect of," be inserted the words "actual collection on."

In the absence of a seconder, this amendment also fell through.

The Hon'ble N. SUBBA RAO.—The amendment that stands in my name is to add the following sub-clause :—

"The holders of inam lands shall be entitled to recover from their tenants one-half of the amount payable in respect of lands occupied by such tenants."

I would insert the word "cess" instead of "amount," because that will be a better word and will make the clause more precise. I move therefore that the word "amount" be omitted and the word "cess" be inserted in its place.

The Hon'ble V. BHASHYAM AIYANGAR in seconding the amendment said: I take the amendment to be "that the inamdar shall be entitled to recover from his tenant one-half of the cess payable in respect of lands occupied by such tenant." This amendment only carries out the original intention, and in fact it was intended to insert this proviso in the Select Committee, but by some oversight it was omitted. The object of the addition of this proviso is to meet the case where, though the land is in the occupation of the tenant of a minor inamdar, the cess payable in respect thereof has to be contributed by three parties, viz., the zemindar, the inamdar and the tenant. The zemindar himself, if there is any *jodi* payable to him in respect of minor inams, should bear his *quota* of cess in respect of the *jodi* he receives, and the minor inamdar should bear his *quota* of the cess upon the rental value of the inam *minus* the *jodi* paid to the zemindar; and the tenant himself must bear his portion of the cess on the rental value. If, for instance, Rs. 100 should be the rental value of an inam and Rs. 10 be the *jodi* payable to the zemindar, the cess upon Rs. 10 will be chargeable to the zemindar and the tenant equally and the cess upon Rs. 90 will have to be shared equally between the inamdar and the tenant and there is no reason why the zemindar should pay the cess in respect of any amount other than the portion of the rental value paid to him as *jodi*.

The Hon'ble Mr. GARSTIN.—I accept the amendment.

The Hon'ble N. SUBBA RAO.—If this amendment is accepted, there will be some consequential amendments in this very section. I may just mention that the alterations that will be necessary are that in line 29 you must insert clause "(*a*)" after the word "lawful;" in line 34, omit "(*a*)" after the word "rent," and in line 39, omit "(*b*)" and after the word "deducted" add "(*b*)" and the word "and."

The Hon'ble Mr. BLISS then suggested that proviso (*iii*) of the section should stand as follows :—

"In the case of an inam not constituting a whole inam village, it shall be lawful—

firstly, for the proprietor of the estate in which the inam is situated, to recover from the holder of the inam, in accordance with the provisions of Act VIII of 1865, as if it were an arrear of rent, (*a*) the cess payable by the proprietor in respect of the rent-value of the inam, after deducting from the said rent-value such amount as may be payable to himself annually in respect of such inam, and (*b*) half the cess payable in respect of the amount so deducted;

and, secondly, for the holder of the inam to recover likewise from his tenants half the cess payable in respect of lands occupied by them."

The amendments proposed by the Hon'ble N. SUBBA RAO as modified by the Hon'ble Mr. BLISS were put to the Council and carried.

The Hon'ble N. SUBBA RAO then proposed, as a consequential amendment, that in line 2 of sub-section (2), the words "and the holder of an inam" be inserted after the word "proprietor."

The Hon'ble Mr. BLISS seconded the amendment.

The amendment was put to the Council and carried.

Section 26.

The Hon'ble P. RANGAYYA NAYUDU, on behalf of the Hon'ble A. Sabhapati Mudaliyar, moved for the addition of the following sub-clause: "The Government shall contribute to the Proprietary Village Service Fund a sum equal to the amount of remission prescribed in the preceding clause."

The Hon'ble R. RAMASUBBAIYAR.—I think it is but just that Government should contribute the amount of the remission referred to in section 26. The purposes of general administration are greatly benefited by the improvements mentioned in this Act, the greater efficiency of the karnam in order that he may be useful for the purpose of general administration, of the head of the village who is to perform all the functions of the village munsif, and then of the *talayari* who is to be associated with the Police, and they are all improvements calculated to benefit the general administration. In that view I think it is but proper when the whole machinery is improved—and taxation is necessary to improve that machinery—that the Government taking into consideration the benefits that are derived from such improvements ought to undertake a fair share of the increase of taxation. On these general grounds I submit that it is but fair that Government ought to contribute something to the Village Service Fund. As regards the machinery, in the case of proprietary estates, the collection of revenue is a matter of greater difficulty than the collection of revenue in ryotwari villages. In the former case it is worked by Act VIII of 1865 and in the latter by Act II of 1864. The collection is much easier in ryotwari than in zemindari villages. The Act that applies to the zemindari villages is not so stringent as the Act that applies to the ryotwari villages, and I think that the heads of villages in zemindari tracts should be more competent to collect taxes than the heads of villages in ryotwari villages. As far as I was able to see from my experience there is more of inams in zemindari tracts than in ryotwari villages. It appears to me that the establishment in a zemindari village should be more efficient than the establishment in the ryotwari villages. On the whole, the purposes of general administration are benefited by these improvements. Therefore I think it is fair that Government should undertake a fair share of the taxation.

The Hon'ble V. BHASHYAM AIYANGAR.—There is no doubt, my Lord, if the amendment be that the Government, as representing the public, should contribute to the Village Service Fund in so far as the amount of peshkash which is payable to it is concerned, there is not a word to say against it. But as I see that the Hon'ble Member who moves this amendment evidently does not mean to move an amendment for the omission of sub-section (1) or clause (1) of section 28, I take it that the Hon'ble Member really means that the public should contribute to the Village Service Fund, not only by the assignment to the Village Service Fund of the proceeds of the quit-rents on inams to be enfranchised under section 17, but in addition to that pay its *quota* of cess on the amount of peshkash. There is no doubt that to the extent of peshkash which is payable to Government in respect of these proprietary estates, the public at

large is decidedly benefited. Inasmuch as the peshkash goes towards the general revenues of the country and inasmuch as the village establishments are utilized and employed for purposes connected with the land revenue of the proprietary estates, and inasmuch as the Government representing the general public do derive a benefit from these proprietary estates to the extent of peshkash, certainly the Government should pay the cess in respect of peshkash. No doubt that will be a logical and reasonable state of things. Then in that case it may be contended on principle that there is no reason why the general revenue of the country, namely, the quit-rent and assessment upon lands which are going to be enfranchised, should also be added to the Village Service Fund. But I believe it will be found that the calculation made by the Hon'ble Member in charge of the Bill, making allowance for all mistakes, places it beyond doubt that the contribution which the State as representing the general public will make towards this fund will be far in excess of the cess payable upon the amount of peshkash alone (hear, hear). I believe the rental value of all proprietary estates in the Presidency is about 150 to 160 lakhs and I believe the amount of peshkash is about 50 lakhs. Originally, no doubt, the peshkash in regard to most estates was calculated at two-thirds of the assets; but owing to extension of cultivation, since the permanent settlement and the rise in prices, the rental value has considerably increased; and inasmuch as the Government by permanently settling the land revenue precluded themselves from raising the peshkash even by a pie subsequently, what was originally intended to be two-thirds of the rental value is now really only one-third of the rental value. But if you calculate the Government contribution of cess upon the amount of peshkash at 5 pies, the remaining 5 pies being paid by the tenant, such contribution will be found to be much less than the assessment upon these inams which are to be enfranchised. When provision is to be made for the village service otherwise than by the assignment of the land revenue, viz., by the imposition of a cess, there is no reason, in principle, why the public should contribute towards the cess more than its share chargeable on the peshkash which alone forms the public revenue derived from proprietary estates. However there is equity and justice in the assignment of the quit-rents on inams to be enfranchised though the quit-rents thereon might be in excess of the cess chargeable on the amount of peshkash. The public revenue represented by these inams having been devoted for nearly a century to the maintenance of proprietary estates' village establishments, it will not be fair to withdraw any portion of the same now. Therefore I am in favour of the provision in the Bill, notwithstanding the quit-rents upon these inams may exceed the cess payable by the public upon the amount of peshkash. I am in favour of the whole quit-rent being added to the Village Service Fund, because it has been hitherto so for nearly a century. But the motion before the Council is that in addition to the quit-rents which are to be made over to the Village Service Fund, the public is to make another contribution to the Village Service Fund, namely a cess upon the peshkash. The reason why there is remission to the zemindar in respect of so much of the rent value as represents the peshkash seems to be that the zemindar is not benefited by the portion of the rent value which goes towards the payment of the peshkash; and therefore the public must pay their share upon the peshkash. I say the contribution which the public has been making and the public will make after the enfranchisement of inam lands is greater than their quota, and I do not think it is in the interests of the general public and of the general tax-payer that the motion should be supported.

The Hon'ble Mr. GARSTIN.—My Lord, my Hon'ble friend Mr. Bhashyam Aiyangar has argued the case very ably as against the amendment and I fully agree with him.

I would only say that with respect to what fell from the Hon'ble Mr. Ramasubbaiyar it seems to me that when he admitted that there were more inams in zemindari villages than in Government villages he practically gave himself away. It shows that Government were far more liberal in their treatment of proprietary estates than of their own villages. We cannot possibly introduce a provision such as has been proposed by the Hon'ble Mover of the amendment binding Government to give a guarantee that it will bear a certain proportion of the total cost of the village service without getting the previous sanction of the Government of India. If we are to insert it, we must be prepared with accurate figures and statements to support it, in order to show that the Government are not likely to have any large additional burden thrown upon the revenue. I do not think the Government of India would sanction such a guarantee. We cannot at present tell, with accuracy, the amount of the assets that will be available nor the amount in cash which may be taken to represent the present cost of the village establishments until the whole of the inams have been enfranchised. Therefore it is impossible, until that work is completed, to discuss this question with any definiteness; consequently it is far better to leave the section as it stands and trust to the generosity of the Government. Although I have no right to commit Government to any pledge, my own impression is the Government will certainly go to the length of giving what they do now; and in my opinion their treatment from the very first in respect of proprietary estates has been extremely liberal and will continue to be so.

The amendment was put to the Council and lost.

Section 27.

The following amendments moved by the Hon'ble P. Rangayya Nayudu on behalf of the Hon'ble A. Sabhapati Mudaliyar fell through for want of a seconder:—

(1) In clause 1, line 1, after "any estate" to insert the words "as proved by the Government."

(2) In clause 2, line 21, after the words "was fixed" to insert the words "as proved by the Government."

Section 28.

The Hon'ble P. RANGAYYA NAYUDU, on behalf of the Hon'ble A. Sabhapati Mudaliyar, moved the following amendment: After clause iii, insert clause iv "of contribution by the Government according to sub-section of section 26."

There being no seconder, the amendment fell through.

The Hon'ble N. SUBBA RAO.—I move the following amendment: Add clause v "and all contributions from general revenues for the purposes of this Act." I wish to make only a few observations. On reading this Bill one would think that the cess which is now proposed to be levied replaces the *meras*, fees and the produce of inam lands contributed by the tenants and proprietors; and that the quit-rents realized from the lands attached to the office replace the contribution made by Government; that is the first impression which is left on reading this Bill, viz., that this Bill enforces the present state of things. But after reading the statement of the Hon'ble Member in charge of the Bill, we find that under this Bill there is an additional taxation imposed on the tenant and the proprietor to the extent of four and a quarter lakhs.

The Hon'ble Mr. GARSTIN.—That is only a rough estimate of mine.

The Hon'ble N. SUBBA RAO.—That is a rough estimate from the figures in the possession of the Hon'ble Member. As far as the Council is concerned, we have no data as to whether the cess now imposed replaces the existing state of things or whether it imposes any additional burden upon the proprietors and the tenants. According to the figures given by the Hon'ble Member in charge of the Bill, we find that the cost of the scheme is put down at seventeen lakhs; and out of seventeen lakhs the contribution by the State is seven lakhs in the shape of quit-rents, by enfranchisement of the inam lands and one lakh is the deductions from the peshkash to be re-imposed. That is, under the present existing arrangement, eight lakhs are contributed out of twelve and three-fourth lakhs, which is stated by the Hon'ble Member to be the cost of the present establishment.

The Hon'ble Mr. GARSTIN.—Excuse me for one moment. I think what I said was that twelve and three-fourth lakhs represented the nearest guess I could make. I merely guessed that it would be so much.

The Hon'ble N. SUBBA RAO.—I must admit that we are groping in the dark. I wish to know whether this measure imposes any additional taxation or not. Of course I should be very glad to be informed that this measure enforces the existing state of things. Even though I fully admit the necessity for imposing some additional taxation for the improvement of village establishments, yet what I submit is that while some kind of burden is necessarily thrown upon the tenants and the proprietors on the one hand, the Government also may come forward to pay a fixed amount in cases where the fund is not sufficient to meet the cost of the establishment. The Government should come forward and make up the deficiency, if there should be any. The reason for my amendment is that it would show to people that while some additional burden is thrown upon the proprietors and the tenants on the one hand, the Government will also be equally ready to bear the additional cost in any district where there might be deficiency in meeting the cost of the establishment. The Government in doing so will be simply giving an assurance to the public that this measure imposes as it were a final burden upon the proprietary estates. On the other hand it must not be assumed that this measure is simply the thin end of the wedge for introducing larger taxation. If the figures of the Hon'ble Member in charge of the Bill are correct, that the karnams should be paid Rs. 5 each, the munsifs Rs. 4 each and the talayaris Rs. 3-8-0, I must say that the salaries are inadequate. If it is the object of this measure to place these village establishments on an efficient footing, this scale of salaries cannot last long; and we shall have another measure shortly afterwards for increasing the cess. Therefore to give an assurance to the public that this measure is permanent, the Government should be prepared, wherever there is a deficiency, to extend its helping hand; and in that view this provision is necessary. As far as the statement of the Hon'ble Mr. Garstin goes, the burden is on one side. It is not necessary to discuss the theoretical principle as to the proportion of the share of Government and that of the proprietors and tenants. For centuries the Government has assigned these various lands for the support of the village establishments, and so also the proprietors and tenants have contributed their quota for these establishments. Now it is found that these establishments are to be placed upon a better footing, and for that you have imposed additional taxation upon one side only; whereas there is nothing on the other side to show that the Government will be prepared to take its share with regard to districts where, for instance, the cost of the village establishments is not sufficiently met by the fund raised under this Act. I therefore say on the ground that the Government should assure the public that this measure is more or less a final measure with regard to the maximum cess that is to be raised under the Act.

I submit it is necessary that this amendment should be carried and the clause I have proposed be added to section 28.

The Hon'ble V. Bhashyam Aiyangar.—In seconding the amendment of the Hon'ble N. Subba Rao, I beg to state that I do so because that will be a useful provision, though, in the absence of this provision, the same object may be attained. As the revised Bill has constituted District Funds instead of one Presidency Fund as was originally contemplated, I think it is not beyond the region of probability that in some districts it may be found that the maximum rate of 10 pies may not be adequate for the maintenance of village establishments. I believe in a case of that sort, when there is a deficit, the Government will be probably prepared to make a contribution so as to apply the Act to that district rather than withhold its application to the district. No doubt the success of this measure will depend in no small degree upon the circumspection with which the measure will be worked, and, if this measure is so worked, it ought to give satisfaction to all parties concerned, and I hope that the measure may be worked so satisfactorily that the zemindars and proprietors themselves will urge upon Government to include in the measure other village officers who have been omitted in the revised Bill. If this measure works satisfactorily, then the proprietors and tenants will naturally prefer all village servants being remunerated from the Village Service Fund so that they may be relieved from having to pay fees and meras to the minor village servants now omitted in the Bill. Whether the Act will be extended to all the three classes of village servants or only to some of them will have to be determined after carefully ascertaining what the amount of cess leviable in each district will be. I think it is by no means unprecedented for Government to make contribution from general revenues towards objects of this sort. In fact, the Government, I believe, whenever there is necessity, make contributions towards Local Boards and Municipalities. Therefore, while I believe the Hon'ble N. Subba Rao does not propose an amendment so as to make it obligatory on Government to make any contribution from general revenues other than the contribution by assignment of quit-rent, there can be no objection to adding that clause so that it may appear that in cases in which the Government may choose to make any contribution towards any District Fund—because the necessity will be probably felt in regard to some particular district—the said contribution shall be added to the District Fund. It is to be hoped that this Act may be as final as legislative enactments can be; but no law or human institution is final. I second the amendment for the addition of the words "all contribution which may be made by Government from general revenue," which may be inserted as clause v or as a part of clause i.

The Hon'ble the Maharaja of Vizianagram.—I think this proposal is not to the point, because I believe that in similar districts under Government there was no such promise of finality given. That is to say, the law which is now extended to all permanently-settled zemindaris has been tried in districts directly under Government and if it was not found necessary to give a promise for not increasing the tax for the village service there, it is equally unnecessary for any such assurance on the part of Government with reference to the permanently-settled zemindari estates. The other question which my Hon'ble friend Mr. Bhashyam Aiyangar in seconding the motion has put forward is that in such districts where there may happen to be a "deficit" the Government should come forward to share the burden of new taxation by a contribution. This is tantamount to making the provision which your Lordship's Government has expressed its unwillingness to do on the ground that such legislation should not be carried out without the sanction of the Supreme Government. I think the amendment now proposed should be rejected.

The Hon'ble Mr. GARSTIN.—My Lord, I have no objection whatever to accept the amendment with a slight verbal alteration, that is to say, if the words "if any" are introduced after "contribution," because I do not think the insertion of the amendment at the end of the section will have any binding effect on the Government unless it finds itself in a position to give a contribution, but, if it does, the contribution will be carried to the credit of the fund. But I cannot admit the ground on which my Hon'ble friend proposes that the amendment should be inserted. In the first place, at present, there is no proof that there will be any additional taxation. As I pointed out in my speech the Bill is a very elastic one which may be regarded as made up of two halves, the first half dealing with the control of village officers, and giving power to Government to enable the Revenue officers of the district to control them without any imposition of the cess, such imposition of the cess being a subsequent matter; and the second half dealing with the question of the payment of salaries by the Revenue officers in the place of meras and fees by the villagers which will give the former greater control. I should not be surprised, however, if it proves to be the case that, in regard to many estates, the cess from the enfranchisement of the inams is sufficient to pay for the establishment required. I believe that will be found to be the case in Bellary, Kurnool and other districts. In that case the cess will not be introduced at all. That may also prove to be the case in some zemindaris, where there are exceptionally large inams, but not in others. There is no need however to attach any special importance to the statement that I made that the measure of additional taxation which might eventually be imposed upon the proprietary estates is the difference between what the village establishments now actually cost and what they would cost when the whole scheme is finally in working order. This seems sufficiently obvious. My estimates were a mere guess. Eventually I may prove to have been right or wrong, but I am quite unable to give any pledge or guarantee on the part of Government that, should it at any time happen that it is found necessary to impose the cess in any district and to levy taxation to meet outlay on establishments somewhat in excess of what the present establishment costs, the Government will pay the additional cost by a grant from Provincial funds. I think the question has to be regarded as a Presidential one and do not see any reason why a guarantee should be given that the present contribution will be increased; but should it happen some years hence in the case of particular estates that the circumstances warrant a grant being made by Government to enable the funds which are available to be so raised as to admit of the village establishments being sufficiently paid, and if the Government should then choose to make such a grant from Provincial funds, the proviso suggested by the Hon'ble Member will secure that that grant will be credited to the Village Service Fund. This, I think, is perfectly fair and from that point of view I accept the amendment.

The Hon'ble R. RAMASUBBAIYAR.—In accepting that amendment I should like to make one observation. The whole ground upon which the Government is absolved from the liability to make contribution is this, that what the Government contribute in the shape of quit-rents will be really more than equal to the money that will be realised by this taxation. As the whole thing is a guess, a possibility might arise at some future time when the amount of cess collected may exceed the probable amount contributed by Government in the shape of quit-rents; and it will be satisfactory to the public that they should have a sort of assurance that, under no circumstances, the money that is to be raised by this fresh taxation will exceed the amount that the Government contributes in the shape of quit-rents transferred to the Village Service Fund. That is a principle that is clearly recognised in the ryotwari villages, for there the ryots should contribute one-half and the Government the other half.

The Hon'ble Mr. Garstin.—I rise to a point of order. The Hon'ble Member is wandering away from the point. The question is whether any grants made by Government are to be credited to this fund. That is all that the amendment amounts to.

His Excellency the President.—The Hon'ble Member has taken a very wide range in discussing the question.

The Hon'ble R. Ramasubbaiyar.—After the Hon'ble Mr. Garstin's statement as regards figures, I believe there will be very little doubt that what the Government contribute in the shape of quit-rents may really exceed the additional tax. On that ground the Government's liability is absolved from contributing anything. The proprietor is the collector of public revenue, because he collects a portion of the public revenue which is represented by peshkash, and therefore the Government should bear a certain proportion of the additional money to be raised by taxation. But that is met by the argument that what the Government really contribute in the shape of quit-rent is really more than what the ryot and the proprietor pays by means of this tax. The question is when the money realised by the taxation exceeds the amount of quit-rent that is transferred by Government to the Proprietary Estates' Village Service Fund, whether on that occasion the Government would share the responsibility along with the ryots and proprietors. If the public receive an assurance that should such a contingency arise the Government will also share the responsibility, I think the amendment moved might be adopted. I say it is very important that this assurance should be given to the public and to the Council. This Bill is supposed to affect proprietors, tenants and village servants. Almost all the zemindars oppose it, the ryots do not ask for it and the village servants also oppose the thing. There is not a single village officer who wants this legislation. But the paramount power out of their responsibility to all concerned think it would be wise to legislate in order to protect the interest of the tenants who cannot speak for themselves. That is the way in which the legislation is considered necessary. But legislation must not mean in the eyes of the people increase of taxation. It will be a check upon taxation if the Government should contribute at all events some share in the additional liability thrown upon the people. I say any contribution that will have to be made by Government in recognition of the principle that all should contribute will be a check upon taxation, and the very best guarantee for it is that the Government itself contributes a certain share. I beg to state that it will make this legislation very acceptable in the eyes of the people if the assurance is given to us that the ground which is now given for absolving the Government from further liability—

His Excellency the President.—The Government has accepted the amendment. I think the Hon'ble Member is going a little wide of the mark.

The Hon'ble N. Subba Rao.—I may say I accept the amendment proposed by the Hon'ble Member in charge of the Bill. I am glad to hear that the calculations on which some inferences or suggestions were drawn in the Hon'ble Mr. Garstin's statement might not be accurate, and after all it might turn out that there may be no additional taxation whatever upon the proprietors and tenants so that this Bill will be simply enforcing the present state of things and no more; that the Government simply pays the quit-rent instead of assigning the produce of land to village officers; that the tenants pay the cess instead of meras and fees which they are now paying and that the proprietors also pay the cess in the place of land or money which they have assigned for the support of village establishments.

The amendment was put to the Council and carried.

Section 29.

The Hon'ble P. RANGAYYA NAYUDU.—I propose on behalf of the Hon'ble A. Sabhapati Mudaliyar the following amendment:—

In line 4, after the word "paid" insert the words "by or through the proprietor."

This is a very important power which is now possessed by the proprietors. When the servants neglect their duty the proprietors refuse payment till the former perform the work, and it is only then that the servants are paid their dues. But now if this power is taken away and as that power which was given to them of fining to the extent of 3 rupees was also removed, the village servants will be entirely under the control of the Revenue officers. If this power of payment is also taken away, I think the proprietors will not only have to pay the penalty of 5 pies towards the fund but will have to incur an additional expense of employing their own men to do the duties. It is therefore very necessary that at least this power, which the proprietors have been exercising up to this moment, should be continued to them.

The Hon'ble R. RAMASUBBAIYAR seconded the amendment.

The Hon'ble Mr. H. W. BLISS.—My Lord, there is one remark which fell from the Hon'ble Member who moved this amendment of which notice should be taken. The Hon'ble Member says that, under the present condition of affairs, the proprietors have the power of withholding payment from the village officers until they do their work. I have to state that that is a positive invention, for they have no power of the kind at all. Of course, if the proprietor of any estate employs a servant of his own to do the work which the law provides should be done by the karnam,—of course in that case the proprietor has a right to withhold payment and he can do anything he likes with regard to the salary of that servant. But we are not discussing the question of private servants; we are discussing the question of village servants. I can assert, without the slightest possibility of any contradiction on the part of any person who has any experience whatever in the administration of the revenue system in the Presidency, the proprietor has no power at all over the village servants, as has been stated. It is an absolute invention of the Hon'ble Member. He has no such thing; no such power. The karnam is protected in the enjoyment of the emolument of his office by the most stringent provisions; and the proprietor can only interfere by filing a suit in the civil court. Every other servant is distinctly protected by Regulation VI of 1831, which subjects them to the sole control of the Collector. If therefore in any particular case any proprietor has withheld from any of these servants his salaries, because he has not done his work, all I can say is that the proprietor has committed an illegal act. I strongly object to the Hon'ble Member bringing forward as an argument in support of his amendment acts which are absolutely illegal.

The Hon'ble Mr. C. S. CROLE.—I cannot agree with the Hon'ble Mr. Bliss. Whether a zemindar has legal authority or not, I can say from my own experience that he does interfere in stopping the emoluments of village officers.

The Hon'ble R. RAMASUBBAIYAR.—I have got some experience in regard to this matter. What happens in zemindaris is this: When they are in the shape of inam lands and the village officers have to enjoy the produce of the inam lands, the zemindar prevents the village servants from cultivating the inam lands. That is the way in which he exercises the control and is able to bring the servants to do what is required. If they fail in the discharge of their duty, they are prevented from cultivating the inam lands.

The Hon'ble Mr. H. W. BLISS.—By force?

The Hon'ble R. RAMASUBBAIYAR.—That is what is done.

The Hon'ble Mr. BLISS.—That is illegal.

The Hon'ble R. RAMASUBBAIYAR.—I do not know whether the village servants can be permitted to enjoy the lands if they refuse to do the work. As a matter of fact, whatever may be the law, what happens is that the servant is prevented from having his emoluments if he does not do his work, the payment being practically in the hands of the zemindar. The zemindar will be in a difficult position if his is not the hand that pays the salary.

The Hon'ble P. RANGAYYA NAYUDU.—I am sorry to hear that what is done is illegal. I should like to know what portion of the Regulation tells us that it is illegal. All that is said about the karnam is that the proprietor is not to remove him from office, and if he removes him, he will have to pay some penalty. That is what is said in the Regulation. It does not say that if the karnam does not do his duty he must be paid and that if he is not paid, the court will take cognizance of that. I do not think there is any portion of the Regulation which says anything except that he ought not to be removed from office. That is the only section which puts a restriction upon the zemindar and nothing more. Would any court or legal tribunal say that if the karnam would not do his duty in giving accounts to the zemindar, he must go to court for every step in which the karnam fails, and for every act of negligence on his part? The zemindar has to go to court only when the removal of the karnam is required. Even if the Revenue officer says that the karnam has not given an account of the collections and that he has been idle throughout the year would any tribunal say "he is right, and you ought to pay him his due; it is your duty to pay him his due even though he has been idle." Wherein does the illegality consist? I say till he does the work, till he is diligent, and till he says that he has done the work which entitles him to the pay, he ought not to be paid.

The Hon'ble Mr. BLISS.—The Hon'ble Member is unable to distinguish that there are two classes of emoluments which are payable to village karnams. If the zemindar pays him out of his own pocket, he is at perfect liberty to withhold payment. That is a matter with which we are not concerned. The position of the karnam is that he is a public servant remunerated by inams which are granted by Government lands which are in the possession of the karnam. It is obvious therefore that the action which the Hon'ble P. Rangayya Nayudu has stated and which my Hon'ble friend Mr. Crole says it is in practice, although I must say I am not aware of it—to prevent the karnams from cultivating the lands—can only be taken by the zemindar himself being guilty of a criminal offence. If it is a fact that zemindars are guilty of this criminal offence as frequently as the Hon'ble Member says they are, then all the more need is there for this legislation.

The Hon'ble P. RANGAYYA NAYUDU.—I am sorry to see that the Hon'ble Mr. Bliss confines himself to the land. I say it is not only the inam lands, the emoluments of which the village officer enjoys, that are concerned, but also fees. The zemindar pays a portion of the fees and the ryot pays a portion of the fees, and the fee is withheld if the village officer does not do his work. Whatever may be said about inam lands, I say that, so far as the fees are concerned, they are in the proprietor's own hand. If a village officer does not do the duty which he is bound to do, the proprietor says "I withhold payment till you do your work."

The Hon'ble Mr. C. S. CROLE.—I oppose the amendment. I do not think I have been understood properly. I consider that that the proprietor ought not to have the power of withholding the fees.

The Hon'ble Mr. H. W. Bliss.—With reference to what the Hon'ble Member has been saying, he seems to argue that because the proprietor has to pay the fees to the karnam or any village officer it is at his discretion to withhold the payment if, in his opinion, the work is not properly done. As for that, all I can say is that the provision of the law is quite distinct. Regulation XXV of 1802 says :—

"The zemindars or landholders shall support the regular and established number of karnams in the several villages of their respective zemindaris. The karnams shall be appointed from time to time by the zemindars, and shall obey all legal orders issued by them ; but the karnams shall not be liable to be removed from their offices, except by the sentence of a Court of Judicature. Where a zemindar, or his under-farmers, tenants, or ryots, may have cause of complaint against a karnam for breach of his duty, such zemindar shall be free to institute a suit in the Adawlut of the zillah for the purpose of bringing such karnam to trial and punishment ; but where a zemindar may deprive a karnam of his office without such previous regular process, the zemindar shall be liable to make such satisfaction for the injury as the Adawlut of the zillah may decree."

That absolutely withdraws all such powers from the zemindar as the Hon'ble Member seems to contend that he possesses. Act II of 1864 further lays down that all fees payable by any person to a village servant may be recovered under the provisions of that Act as arrears of land revenue. It is not for the zemindar to say that he will or will not pay the fees. If his fees are not paid, all that the karnam has to do is to go to the Collector and prove that payment has not been made. The Collector is then bound to proceed to recover the dues of the karnam in the same manner as if they were land revenue.

The Hon'ble P. Rangayya Nayudu.—If the karnam does not do his duty, there is nothing due to him. If the karnam says "I have not done my work, I have neglected my work and I want you to get my dues by restraining his property" will the Collector say "although he has not done his duty, still his fees are due to him and I will restrain your property if you do not give him his dues"? I do not think he would.

The Hon'ble Mr. W. P. Austin.—Section 16 of the amended Bill gives power to the proprietor to punish the village servants by fining them to the extent of Rs. 3. That surely will meet the case.

The Hon'ble N. Subba Rao.—My Lord, I may be permitted to say a few words. No doubt, in practice, the zemindars have got this power over village servants, and, inasmuch as they hold in their hands meras and other fees, they practically control them. That is the practice so far as it goes whatever may be the law. By their position they have great control over them. The logical basis on which this cess should be placed would lead us to suppose that it would be vested in a body constituted in the village itself. Considering the nature of the duties these officers have to do and considering the present status of the zemindars, it has been thought advisable, under section 11, not to vest all the proprietors with the power of fining. As I have already pointed out to your Lordship, it will be desirable, in the interests of the administration, that, in course of time, this body of proprietors should be qualified to assist Government in administering the village affairs. I would suggest therefore for the consideration of the Hon'ble Members that the money may be paid by Government or by any proprietor authorized in that behalf by the Board of Revenue. Those proprietors who have proved themselves fit by exercising the authority vested in them of fining the village servants judicially and properly may be entrusted with the power of administering the fund. I simply throw this out as a suggestion that while the general

control might be with Government, in cases where the proprietors have proved themselves fit to exercise this power, it may be given to them.

The Hon'ble the MAHARAJAH OF VIZIANAGRAM spoke against the amendment and pointed out that the investiture of the zemindars with such powers as those mentioned by the Hon'ble Subba Rao would be useless and open to condemnation as savouring of class-legislation.

The Hon'ble Mr. GARSTIN.—I oppose the amendment as I look upon it as unnecessary. If the Hon'ble Member will read the latter part of section 29, he will find that the salaries to which the village officers are entitled are to be paid according to such scale and in such manner as may be prescribed by the Board of Revenue by rules made under section 32. If the Board of Revenue considers that the zemindars are fit to be trusted to pay the village servants, they will confer the power on them by a rule. The Board will probably do all in their power to relieve the Revenue-officers of the duty of paying the servants. I think section 29 covers the case.

The Hon'ble R. RAMASUBBAIYAR.—You should get the money paid by the zemindars wherever it is possible. The question involved is a question of collecting money—not only the zemindar's money, but the peshkash. It is therefore important that we should not take away any power which we can well vest in the zemindar.

The Hon'ble N. SUBBA RAO.—I do not think that the Board of Revenue can frame rules applying to special zemindars—say for A or B. I therefore suggest special provision should be made so as to empower the Board of Revenue to invest special zemindars with special powers.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—My Lord, many zemindars are in an impecunious state. As a matter of fact, some zemindars leave the payment of salaries of their own establishments several months in arrears. I quite recognise the importance of giving to such of the zemindars as are likely to perform this duty faithfully the power of paying the village establishments. Such an arrangement would be convenient to the Government itself. The Government has no establishment for this purpose, and, rather than create one, it might be expedient to invest certain zemindars with the power of distributing salaries to the village servants and getting from them receipts for payments actually made, allowing them credit for equivalent amounts in regard to the peshkash payable by them. But it must rest entirely with the Board of Revenue to determine which of the zemindars can be trusted with this power, and which not. There is nothing to prevent the arrangement being adopted where expedient, under the Bill as it is now framed. In clause 4 of section 32 it is expressly laid down that the Board of Revenue may, with the approval of Government, make rules for the salaries to be assigned to village officers and for the method of their payment. I think it is rather a dangerous experiment to try, to give the power to zemindars as a class. Individual zemindars might be given the power, and if the experiment succeeds, it might be extended to others.

The Hon'ble V. BHASHYAM AIYANGAR.—This is a mere administrative detail. So long as the Government is responsible for the payment of the village officers out of the Village Service Fund, it is purely an administrative act whether the Government pays through its Tahsildars or any other persons. It is perfectly open to Government to arrange with the zemindars for the disbursement of the salary of village officers through them. I do not think it is necessary to consider whether section 32 contemplates framing of rules on this point. The authority which pays it will be the Government, and it is open to Government to make the payment either through

its own officers or through the zemindars or tenants and no statutory provision is necessary to enable it to do so.

The Hon'ble the ADVOCATE-GENERAL.—I do not think that section 32 contemplates the Board of Revenue framing a rule that particular zemindars shall have the power of payment. It is not intended to confer any power other than that of deciding whether all zemindars should make payment or not. I do not think the Board has power to make any invidious distinction.

The Hon'ble Mr. GARSTIN.—I have risen to answer the objection raised by the Hon'ble friend opposite, but it has been anticipated by the Advocate-General. There may be a difficulty for the Board of Revenue to make rules to this effect, that zemindar A or zemindar B should pay the village officers. At the last sitting of the Council we modified clause (1) of section 16 by putting in the words "empowered in that behalf by the Board of Revenue" and we have thus created a class of proprietors who are to be empowered by the Board of Revenue as being specially qualified by reason of their good conduct and other general qualities to exercise the power of fining. With all deference to my Hon'ble friend's opinion, I think it would be quite competent, and will be perfectly in keeping with the spirit of the rules, for the Board of Revenue to draw up rules for the zemindars specially empowered under section 16 to do this or that. That will have a general application; and I dare say that will be quite sufficient. At any rate I do not think there is any necessity for any specific provision in this section that the payment of the village officers' salaries shall be made through the proprietor.

The Hon'ble Mr. CLOGSTOUN.—I would suggest that the village officers should pay themselves out of the collections.

The Hon'ble Mr. GARSTIN.—I am afraid that is hardly in accordance with the terms of section 28 which says that the fund shall be lodged in the district treasury and shall be under the control of the district Collector. We cannot allow the village servants to pay themselves out of the collections. In all cases the collections will have to be lodged in the Government treasury and passed through the accounts. A list showing the servants to be paid and the salaries payable to them should be drawn up in which authority should be given for paying the bill, and then only the money should be drawn and disbursed.

The Hon'ble R. RAMASUBBAIYAR.—I wish to draw the attention of the Council to the fact that there is no provision in the present Bill as to how the fine is to be recovered. The easiest way will be to deduct it from the salary. Wherever the zemindar is authorised to impose the fine, he may be empowered to stop the salary to the extent of the fine in the absence of that provision.

The amendment was put to the Council and lost.

The following amendment, moved by the Hon'ble P. Rangayya Nayudu on behalf of the Hon'ble A. Sabhapati Mudaliyar, fell through, there being no seconder—

in line 5 to omit "of the district in which;" and in line 6 to omit the words "is situated."

The Hon'ble N. SUBBA RAO.—The amendment that stands in my name is—

to insert after the word "salaries" the word "etcetera."

I gave notice of the word "etcetera," but now I would request permission for changing it to "allowances."

The Hon'ble Mr. GARSTIN.—If the Hon'ble Member will make it "and other allowances," I will accept the amendment.

The Hon'ble N. SUBBA RAO.—Yes.

The amendment was put to the Council and carried.

In the absence of the Hon'ble C. Sankaran Nayar, the amendment standing in that gentleman's name was not proposed.

Section 30.

The Hon'ble P. RANGAYYA NAYUDU.—On behalf of Hon'ble A. Sabhapati Mudaliyar I move the following amendment:—

(*a*) at the end to add the words "unless there is reason to think that the proprietor and his tenants are under the necessity of employing their own servants in supersession of those employed under this Act, provided there is mutual agreement about the payment of such servants between the proprietor and his tenants. The services of such servants shall be considered as legal as those performed by the servants employed under this Act."

He was afraid with regard to penalty or fine, and so he wanted this.

The Hon'ble V. BHASHYAM AIYANGAR.—If there is any room for oppression I would second it, but there is no room for oppression.

The amendment fell through for want of a seconder.

Section 31.

The Hon'ble P. RANGAYYA NAYUDU.—I move in sub-section (1), lines 5 to 9, to omit (*b*) and (*c*). When a person asks for a loaf of bread, we give him a stone. The powers of the proprietors are limited; they are not capable of controlling their karnams and getting their work done. Instead of giving them power, we throw additional burdens upon them. You ask them to submit the name of a minor heir if one of the village servants dies, and if he does not give the name, you inflict upon him a fine. Then you say "If you do not give us the list, we fine you Rs. 100." What I say is that you do not give him the necessary facilities. Suppose a village is ten miles away and suppose that a talayari has a number of wives and dies leaving many children. In that case it is rather difficult to ascertain who is to take his place. You have not given the zemindar power to summon witnesses and get the information as to who the lawful heir is. All that he has to do is to guess and send the report, and simply to say that Ramasamy is the minor. If he does not wish to say so at random, he must enquire who the proper minor is; and you say "If you do not do it within a certain time, we will fine you." If the accounts are not given by the karnam, you say "Whether the karnam gives the account or not, you will be fined if you do not send them in." You say in the section "wilfully omits." Suppose the karnam gives one version and the zemindar another version. I do not think there will be a proper enquiry. There is to be no Court of Justice to enquire into it. The Civil Court jurisdiction is taken away from them and all is given to the Divisional officers, and yet the man must be fined for one thing or another. I do not see why this fine should be inflicted, especially when there are difficulties in the way of getting all these particulars.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—There is the word "wilfully" in the section.

The amendment fell through, there being no seconder.

Section 32.

The Hon'ble P. Rangayya Nayudu.—I move on behalf of the Hon'ble A. Sabhapati Mudaliyar the following amendment :—

"in lines 18 to 21 to omit clause (v)."

He wants the duties to be described in the Bill itself.

For want of a seconder, the amendment fell through.

His Excellency the President.—The next amendment is that of which notice was given by the Hon'ble C. Sankaran Nayar. In the absence of that member, unless any other member moves it, it falls through.

The amendment fell through for want of a mover.

The Hon'ble N. Subba Rao.—I move that in clause (iv), line 15, after the word "salaries" the words "and other allowances" be inserted.

The Hon'ble S. Srinivasa Raghavaiyangar seconded the amendment.

The Hon'ble Mr. Garstin.—I accept it.

The amendment was put to the Council and carried.

Sections 33 & 34.

The following amendments moved by the Hon'ble P. Rangayya Nayudu on behalf of the Hon'ble A. Sabhapati Mudaliyar fell through for want of a seconder :—

to add a section 33 running thus : "The duties of the several village officers and the descriptions and forms of the accounts and registers to be kept by them shall be as herein prescribed."

(*b*) to add a section 34 : "The Proprietary Village Service Cess shall be paid by the proprietor and his tenants solely or jointly according to the proportion and custom obtaining in each estate."

The Preamble.

The Hon'ble Mr. Garstin.—I now move "that the preamble be adopted as it stands."

This was put to the Council and carried.

The Hon'ble Mr. H. W. Bliss then pointed out that certain trifling verbal alterations were necessary in the Bill. These were duly put to the Council and carried.

THE INTERPRETATION OF THE RULES.

The Hon'ble Mr. C. S. Crole.—I presume that the next motion that will be brought forward in behalf of Government will be "that this Bill be passed into law." Before that is done, I would ask permission to make a suggestion, of which I have given the Hon'ble Member in charge of the Bill private notice. I for one have great doubt whether the Council is regular in its discussion in regard to this Bill and more especially if it would be regular in passing this Bill into law without complying with the provisions of Rule 39. I am not alone in this opinion, and it is with great respect and great diffidence that I suggest that some steps should be taken to meet the objection of the opposition which, if successful, will involve not only the Council but the individual members in very serious inconvenience. The means I propose to adopt is

to move under rule 67 that Rule 39 be suspended. I have not been able to give notice of my intention previously.

His Excellency the PRESIDENT.—Does the Hon'ble Member then make a motion?

The Hon'ble Mr. C. S. CROLE.—I ask for permission to move that Rule 39 be suspended.

His Excellency the PRESIDENT.—That particular motion can be made without any notice. Is the Hon'ble Member's motion seconded?

The Hon'ble Dr. MILLER.—I have much pleasure in seconding the motion.

His Excellency the PRESIDENT.—I desire to mention that the motion that Rule 39 be suspended is a motion which can be made at any time. I wish also to point out that, when this particular matter came up before the Council, the Hon'ble Member opposite me called my attention to the fact that a particular portion of Rule 39 has not been complied with. I had some difficulty in ascertaining exactly how he wished to bring the matter to the attention of the Council. I suggested that he should move the adjournment of the Council under Rule 3 and thereby put himself in order; but I gathered from what he said afterwards that he did not intend to move the adjournment under that clause, but that he rose to a point of order as to whether we were right in proceeding to the consideration of the Bill under Rule 45, while Rule 39 had not been complied with. I ruled that Rule 45 has been complied with, because it required only one condition to be fulfilled, and that condition had been fulfilled; and therefore the Hon'ble Member in charge of the Bill, when he moved that the Bill be taken into consideration, was perfectly in order. The Hon'ble Member opposite did not confine his remarks to opposing the motion, but he proposed that the Bill be not taken into consideration. I therefore ruled his proposition out of order, as he had not given notice of the amendment, nor was he moving under any rule which allowed him to make his motion at any time without notice. The ruling I gave on the motion that the consideration of the Bill should not be proceeded with is the ruling under which the Bill has been considered. We have now reached the stage at which the consideration of the Bill has been completed and therefore the ordinary procedure can now be followed. But before we come to the consideration as to what should be the procedure that should be adopted, the Hon'ble Mr. Crole has risen to move that Rule 39 be suspended. Personally I am bound to say I do not see any particular reason why Rule 39 should be suspended as we have conducted the consideration of the Bill under Rule 45 and have every reason to believe that the action which we followed is perfectly consistent with the rules as they now stand. I quite saw the force of the argument brought forward by the Hon'ble P. Rangayya Nayudu, and the question then for me to decide was whether we were technically and legally right in going on with the motion which was then before the Council. I ruled that we were, and therefore I do not think there is any necessity to suspend Rule 39 in order to put us in order. The point of order raised was decided by myself under Rule 9 and then we went ahead with the discussion. It seems to me that it would be a pity to pass a motion that Rule 39 be suspended, for we should thereby create an impression that we have been acting hitherto in excess of the powers conferred upon us by the rules. My proposal is that we should defer the further matter of passing the Bill into law until the latter portion of Rule 39 which deals with the publication of amended Bills has been complied with. We shall then at all events have complied with the rules though I am informed that not only could we consider the Bill under the rules as they now stand without suspending Rule 39, but also pass it into law. Out of deference however to what has been observed by certain Hon'ble Members I think we should

not go so far as to pass the Bill into law until the provisions of Rule 39 have been complied with—not that I believe we might not do it, but, as I say, out of deference to their views. Under these circumstances, I would put it to the Hon'ble Mr. Crole whether he will be inclined to withdraw the motion for the suspension of Rule 39. He will understand that the motion that this Bill be passed into law will not be made until Rule 39 has been complied with.

The Hon'ble Mr. C. S. Crole.—After what has fallen from your Lordship, I beg to withdraw the motion.

Permission to withdraw the motion was then given by the Council.

The Hon'ble Mr. J. H. Garstin.—My Lord, under ordinary circumstances I should now move that this Bill be passed into law, but after what has fallen from your Lordship I am not prepared to make such a motion. As your Lordship has pointed out, I think perfectly correctly, my action in moving the consideration of the Bill was taken under Rule 45 which says that, subject to the sole condition preceding, viz., that the Bill and its amendments are circulated to all Members of the Council 10 clear days before it is taken into consideration, the Member in charge, when presenting the report of the Select Committee to the Council, may move either that the Bill and report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting. Accordingly I proposed that the Bill should be taken into consideration. As your Lordship has stated, an objection was taken to my motion that it was contrary to Rule 39 and that the consideration of the Bill should not be proceeded with until the Bill has been published in the various vernaculars of the Presidency. But Rule 39 is a part of Chapter VII which governs the conduct of Select Committees and has no bearing whatever upon this question. There is no limit of time whatever set out in Rule 39 and it is perfectly legal under that rule not only to consider the Bill but absolutely to pass it into law and then publish the report of the Select Committee, although such action would, of course, be contrary to the spirit of the rules, because the rule is evidently intended to mean that as far as possible such reasonable notice should be given to the public as will enable them to see what the amendments made are before the Bill is passed into law, though not before it is taken into consideration. We have taken the Bill into our careful consideration, and the last thing the Government would wish to do would be to subject themselves to the imputation that they had any desire to rush the Bill hastily into law. I therefore beg to move the adjournment of the Council, and I would invite my Hon'ble friend the Advocate-General to second the motion and favour the Council with his views upon the subject.

The Hon'ble the Advocate-General.—I second the motion. I have no hesitation in saying that in my opinion this Council acted strictly in accordance with the rules for the conduct of business when it proceeded to consider the Bill on the motion made by the Hon'ble Member in charge of it under Rule 45, although there had been no publication of the amended Bill before it was so considered. In giving the reasons for my opinion, I wish it to be distinctly understood that I shall confine myself strictly to the construction and interpretation of the rules, and shall say nothing whatever at present with regard to the propriety of the rules or the advisability of amending them, as those questions are not now under consideration. My Lord, Rule 45 is clear and distinct. When a Bill has been referred to a Select Committee under Rule 29, it shall not be taken into consideration by this Council unless the report of the Select Committee has been sent to the Madras address of each Member of this Council at least ten clear days beforehand; subject to this condition (and there

is no other) the Member in charge of the Bill in presenting the report of the Select Committee may move either that the Bill and the report be taken into consideration at once or that the consideration thereof be postponed to a subsequent meeting. Now, my Lord, it may be urged that Rule 45 presupposes that all the requirements of Rule 39 have been fully complied with. Such a contention seems to me to assume that publication under Rule 39 is a condition precedent to the consideration by the Council of the amended Bill. That certainly is not my view. It cannot be the intention of these rules, because we find when that condition is imposed, it is imposed in the clearest terms. For instance, Rule 44 provides distinctly that the Council shall not go into the consideration of a Bill until it has been before the public for a reasonable time. Publication may be for the purpose (if I may use the phrase) of tapping public opinion, or of merely giving public information. The rules are so framed that in the case of all original Bills time must be allowed to the public within which they may have an opportunity, if they choose to avail themselves of it, of considering the Bill and offering any opinions they may have thereon to the Council. Now a Bill may, under section 29, be either considered by this Council without any reference to a Select Committee or it may be referred to a Select Committee for consideration and report. When the first course is adopted, section 44 rightly provides that the original Bill shall not be considered unless and until the public have had an opportunity of considering it. Where it is referred to a Select Committee, the public have ample time for consideration. All papers and communications relating thereto must, under Rule 43, be referred to that Committee for consideration. Ample opportunity is thus given to the public for consideration of an original Bill and for an expression of opinion thereon, and provision is made for due consideration of that opinion by the Select Committee before the report on the Bill is prepared. Now if the contention be that all amendments should be referred, I was going to say to the public, that the public should be taken into counsel because the Bill has been amended, and therefore that the amended Bill should be published in order that the public may consider the amendments, then the reasoning should be carried to its full extent that *all* amendments shall be published, however trivial. It is pretty clear from these rules that that is not intended. Take the first case under Rule 44. Time having been given for consideration, any member may move an amendment "affecting the principle or the substance of the Bill." All that is required is that he shall give notice under Rule 21 to the Secretary six clear days before the meeting. There is no provision in a case of that sort that the proposed amendments shall be published even for the information of the public, much less for the purpose of eliciting public opinion. Rule 39 prescribes no time within which an amended Bill shall be published, and Rule 45 prescribes only one condition before the Council can consider an amended Bill. It seems to me to be unreasonable to say "You shall not consider an amended Bill until after it has been published, though the amendments may be of a trifling or perhaps merely verbal character, but you shall proceed to consider the amendments made by Members under Rule 46 though they may affect the very principle of the Bill without previous publication of such amendments." I have therefore come to the conclusion that all that is required is that the Members of this Council, whose duty it is to take part in the consideration of an amended Bill, should have the fullest information given to them relating thereto, and that the publication provided for is publication simply for public information, not for the purpose of taking the public into counsel. Now with regard to the present Bill the only condition imposed by Rule 45 having been complied with, there was nothing to prevent this Council from taking into consideration the Bill so amended. This they have now done, and their action is perfectly legal.

The Hon'ble V. Bhashyam Aiyangar.—After the exposition of the legal aspect of the question by the Hon'ble the learned Advocate-General, it is quite unnecessary that I should say anything in regard to this matter, but as, at the last meeting, I did make some observations in connection with Rule 45 and Rule 39, I may just mention by way of explanation what my position was. As for the legal aspect of the question, having had time to consider over the matter fully after the first meeting, I am fully of opinion, and I concur in the view expressed by the Hon'ble Member who has just preceded me, that the action of the Council was perfectly legal from the beginning; and that if that action is legal, it would be equally legal to pass the Bill into law, because if you can legally take the Bill into consideration, then it follows that you can either reject it or pass it. I must here mention that, when the Hon'ble P. Rangayya Nayudu made his motion—whether he moved it either by way of amendment to the motion of the Hon'ble Member in charge of the Bill or a motion for adjournment I did not fully understand—my attention was not drawn to Rule 39 and in fact I did not hear my Hon'ble friend mention Rule 39, if indeed he did make a reference to that rule. On referring to Rule 45 which on the face of it is self-contained and complete in itself, it seemed to me plain that it first imposed a condition, namely, that until you have carried out a certain direction, you shall not take the Bill into consideration; and, to clench the matter, it further provided that, when that direction has been carried out, you may *at once* proceed with the consideration of the Bill or postpone its consideration to a future meeting. It was therefore perfectly open to the Member in charge of the Bill either to proceed with the consideration of the Bill or to intimate to the Council that he preferred to postpone the consideration of the Bill. Afterwards there was some discussion in connection with this matter when a reference was made to Rule 39 by the Hon'ble C. Sankaran Nayar and other gentlemen, and I thought it my duty to mention to the Council that, when I expressed my opinion with reference to Rule 45, I overlooked Rule 39. It was not necessary for me at that stage, nor had I sufficient time to compare the different rules lately passed and to come to any decided opinion on the point as a pure question of law. Inasmuch as under section 39 to which my attention was drawn there was a requisition that the Bill should also be published in the vernaculars, I was in favour of the motion viewing it as one for adjournment. Even though it would be legal to proceed with the consideration of the Bill when section 45 had been complied with, yet as Rule 39 was relied upon as a reason for adjournment I certainly would not have opposed the motion as a motion for adjournment. When the Hon'ble K. Kalyanasundaram Aiyar, after the ruling of your Excellency that the Hon'ble P. Rangayya Nayudu's motion was an amendment to the motion of the Hon'ble Member in charge of the Bill and as such irregular, moved for an adjournment under Rule 3, I voted in support of the motion. I fully considered these rules that very evening and I came to the conclusion, not only that the action of the Council was perfectly legal, but that the omission to import into Rule 45 one of the directions as to publication provided by Rule 39 was in all probability intentional. If the rule relating to publication in the official gazette had been a separate rule and not a part of Rule 39, I would hesitate to infer that the omission in Rule 45 was intentional and not accidental. The rule of construction, however, would be the same whether the omission was intentional or otherwise. It is plain that the framer of Rule 45 had Rule 39 before him, for we find that he imports into Rule 45 one of the directions given in Rule 39 and prescribes a period for carrying out that direction. The irresistible conclusion therefore is that it was the intention of the framer to regard only one of the two directions as mandatory, as lawyers would call it, and he left the other direction imposed by Rule 39 as

a non-essential one, which need not be made mandatory but may be left directory. This view is placed further beyond doubt by the concluding portion of Rule 45, which leaves it to the discretion of the Hon'ble Member in charge of the Bill whether he would at once proceed with the consideration of the Bill or whether he would postpone the consideration of the Bill until after the publication of the amended Bill. Lawyers are familiar with the distinction between requisitions which are directory and those which are mandatory or peremptory. If the Member in charge of the Bill should think that the amendments introduced by the Select Committee are such as should be published, and published for a reasonable time so that the public may have an opportunity to express an opinion in regard to those amendments, he has the discretion to postpone the consideration of the Bill to a subsequent meeting; and that seems to me to be the reason why the framer of the rule did not consider it necessary to impede the transaction of business in the Council by making the direction as to the publication of the amended Bill mandatory and imperative. For instance, there may be cases in which a Bill which has been referred to the Select Committee may be fully approved of by the Select Committee with the substitution of article "a" for "the" and "and" for "or"; but as the Members of Council are responsible for the wording and the form of the Act, it is made a condition precedent—and very wisely so—that the Bill as amended by the Select Committee, however trivial the amendments may be, must be circulated to every Member at least ten days before it is taken into consideration; but so far as the publication of the Bill is concerned, it seems to be left to the discretion of the Member in charge of the Bill whether he would at once proceed with the consideration of the Bill or postpone its consideration till after publication. When attention was drawn to Rule 39, I could not say that the amendments made by the Select Committee were only verbal and not substantial, and I therefore considered the motion for an adjournment of the meeting reasonable and I supported the motion made by the Hon'ble Kalyanasundaram Aiyar to that effect; and there was considerable force in the observation made by the Hon'ble the Rev. Dr. Miller that the Members of Council should have the advantage of reading the able speech made by the Member in charge of the Bill. And, by the way, I may just point out that all that Rule 39 requires is a publication in the *Fort St. George Gazette* in the languages in which the original Bill was published. The original Bill was published under the old rules; and the new rules were not then in force. The rule in force at that time did not require the publication of the Bill in the vernaculars. The amended Bill now before the Council has, I understand, already been published in English in the official gazette. As a matter of fact, however, I believe the original Bill was published in the vernaculars also, though the rule then in force did not make such publication imperative. I think the motion that has now been made, that the passing of the Bill be deferred until the Bill is published in the vernacular languages also, is a reasonable one and I support it.

The Hon'ble K. Kalyanasundaram Aiyar.—I have a word to say. I did not know that there would be a legal discussion on the construction of the rules and therefore I simply accept the motion that is made for the adjournment of this meeting without entirely accepting the construction that has been put upon the rules by the Hon'ble the Advocate-General and the Hon'ble V. Bhashyam Aiyangar. The construction of the rules does not seem to be free from difficulties, and I should not like to give an opinion upon the technical construction of the rules before having had an opportunity of reading them carefully, which I have not done because I was not aware that the matter would be discussed in the Council to-day.

His Excellency the President thought that if the Hon'ble Member who had just spoken felt diffident in a question of this sort, he would sympathise with him in

being suddenly called upon to decide knotty points of this nature without due notice. It showed the great inconvenience Hon'ble Members put the Council to, when they do not give notice of their intention to bring forward a motion. His Excellency then proceeded to say:—"As regards this particular motion, I should like to say that, if the Members pass the motion as it now stands, the next meeting will be an adjourned meeting, which will be simply a continuation of this meeting; and the Hon'ble Members, it appears, will be debarred at that meeting from moving any amendments or bringing forward any questions. As I do not wish to preclude them from doing so, I desire to inform the Hon'ble Members that if they wish to bring forward any amendments, the Government will be glad to consider them; and as regards questions, I will merely point out to the Hon'ble Members that if they wish to obtain information from Government, they must remember that we shall meet at the very end of the Christmas holidays, and therefore in matters requiring statistical information it will be impossible to give it in consequence of the offices being closed."

The Hon'ble the Rev. Dr. Miller.—I should like to say very few words in connection with this matter. After the very lengthy and full arguments that have been laid before us as to the construction of the rules, the proper course for a layman like myself is silence. I have very little doubt after the full study that has been bestowed upon the matter by you, my Lord, in the first place, and your Lordship's legal advisers on the other, that the interpretation given must necessarily be a thoroughly tenable one. I have still to remark, however, that the obvious and the first impression, at all events, of the rules as they stand is in favour of the position that was taken up at the last meeting when the Hon'ble Mr. Rangayya Nayudu directed attention to Rule 39. That that is the obvious interpretation is tolerably clear from the fact that the Hon'ble Mr. Bhashyam Aiyangar, when it was put before him, adopted that view of the point. I was, my Lord, all along aware that it was after all merely a technical point, and I am quite certain that it could never have been the deliberate intention of those who drew up these rules to suspend the procedure on a Bill until the amendments have been published in all the various languages. I felt quite certain all along that it was merely a technical point and therefore, when the motion for adjournment was lost, I did not think it necessary to persevere in any opposition. I quite thought that substantial justice had been done in this matter. But I do submit that it is desirable that the rules should be rendered somewhat clearer than they are (hear, hear) because undoubtedly the impression left by the rule as it stands is that which was maintained by myself and others at our former meeting. I submit, of course, to higher authorities, but I must say that in my inner heart I have still a little doubt as to what the intention of the framer of the rule was.

His Excellency the President.—You passed it.

The Hon'ble the Rev. Dr. Miller.—I submit that many of us pass many things without clearly understanding what it is that we are doing. I never meant that this Rule 39, when I joined in passing it, should delay the procedure, but I submit that the natural, obvious and popular reading of the words as they stand still is that it should delay the procedure. I admit that the popular reading in this case is in all probability a wrong reading, as it has been explained to-day. However, I submit that it is desirable that this point should be considered and that the rules should be more fully and clearly expressed. With reference to what has been said by the Advocate-General about tapping public opinion, I do think it is most desirable that when a Bill has sustained an important amendment in the Select Committee, the public opinion should be tapped on that point, and that time should be given to the public to express their

opinions. I think it is well deserving of consideration as to how that can be best effected. I do not wish that Rule 39 should be applied for the stoppage of procedure, for I do not think in the circumstances of the Madras Presidency any effective criticism—anything that will be really valuable—is likely to be obtained by the publication of the Bill in the vernacular languages. I would not for a moment delay on that account; but I would throw out as a suggestion whether it would not be as well to amend Rule 45 so as to secure that, when there is an important modification made by the Select Committee in a Bill, it should be practically before the public for a longer time than ten days. I think it is quite enough if Rule 45 be so framed as to make it imperative that the amended Bill should be published in the Gazette in the English language—that is abundantly sufficient in the circumstances of the Madras Presidency—three weeks before it is taken into consideration and finally disposed of. I merely venture to throw out that suggestion, and I thank your Lordship for allowing me to make these remarks.

His Excellency the President.—I quite agree in the remarks made by the Hon'ble the Rev. Dr. Miller that there should be an alteration in Rule 45 and Rule 39 and possibly in other rules. We have as yet had little time and experience to show us in what particulars the rules are deficient; but we hope, before long, to lay before the Council the several amendments which seem to be necessary. We shall be glad to receive any suggestions which the Hon'ble Members may desire to make. I hope the Hon'ble Dr. Miller will understand that it is the intention of Government to introduce the subject before very long and that therefore he will not press for any immediate attention being paid to it. The Hon'ble Member has made some extremely sensible remarks, as he always does, regarding the justice or injustice of publication. From what the Hon'ble Members have said, it appears that a great many of them have lost sight of the fact that this is the second Select Committee to which the Bill has been referred. I think it quite right that the report of the Select Committee and the amended Bill should be made public; but I would call the attention of the Hon'ble Members to the fact that the first Select Committee's report and the amended Bill were published in all the vernaculars and the public have had an opportunity of learning the amendments made in the Bill and for seven months they had an opportunity of discussing them, the result of which was that various objections were brought forward and considered. The principal parties affected by the proposed legislation came together when another Select Committee was appointed and had an opportunity of going thoroughly into all the matters concerned, with the result that a new report of the Select Committee has been issued. I do not think that there is any single person capable of appreciating the facts who can say that he has not seen the report of the last Select Committee. The Landholders' Association and Karnams' Association—the two principal parties affected by this legislation—were themselves represented by counsel before the Select Committee and we had the advantage of having on the Select Committee several non-official members who, to say the least of it, were prepared minutely to criticise the action of Government in regard to this particular matter. These gentlemen have called attention to various points, and with one exception the report that was signed was unanimous. The Hon'ble Member who drew up a minute of dissent has himself brought forward amendments, and those amendments have been carefully considered and have been decided upon, I believe, their merits. I do not think that there is a single person still in this Presidency who feels strongly upon the Bill who has not had an opportunity of representing his views. We have done our best to meet the needs of the public in every way, not only technically but as a matter of justice and equity (hear, hear).

The Hon'ble N. SUBBA RAO.—Before your Lordship puts the motion, I beg to say a few words in this connection. I thank your Lordship for the concession shown in deferring the passing of the Bill into law for some time, so as to give an opportunity, not only to Members of this Council, but also to the public, to consider the various questions that have been raised. I may submit to your Lordship that, when the matter was referred to the second Select Committee, it was thought by some that it was unnecessary, as the first Select Committee had fully threshed out the matter; but when the report came from the second Select Committee, I may mention that the Bill came out entirely recast. There were 190 verbal amendments, fifteen new clauses and three new sections that were introduced. Therefore to us, who are new to the Council, the Bill appeared to be entirely recast, requiring reconsideration; and therefore apart from all technicalities I wanted a little more time to consider over the matter. During the week's adjournment your Lordship has granted, we have been able to consider over the Bill, and especially the lengthy statement made by the Hon'ble Mr. Garstin, and I must say that statement has thrown a great deal of light over the matters under discussion. I was till then under the impression that this Bill enforced the existing condition of the various contributions made by different parties. The statement of the Hon'ble Member in charge of the Bill has shown that my view of the Bill was not correct and that under this Bill it was possible that there might be additional taxation. That is a matter which I submit may be considered in the light of any further information that might be forthcoming from the Hon'ble Member in charge of the Bill. As to the effect of this Bill, we shall be very happy to hear that it enforces the old condition of things and does not entail any additional tax, and, if it does at all, a very slight one, with reference to which the Government, according to the acceptance of an amendment in connection with a certain section, would be prepared to extend its helping hand, to place these village establishments on a satisfactory basis. I thank your Lordship for the adjournment granted to the public in this matter.

The Hon'ble Mr. GARSTIN.—I should like to add one remark to what has fallen from your Lordship with reference to what the Hon'ble the Rev. Dr. Miller has said regarding the advisability of the public who are concerned in the Bill having an opportunity of expressing their opinion on the Bill after it has been revised by the Select Committee. The persons, I take it, who are most concerned are those who opposed the Bill most strongly, and those may be said to be the Madras Landholders' Association, which is the only body that took any exception to the Bill in principle and who claim to represent 80 per cent. of the large landed proprietors in the Presidency. Now, the Landholders' Association printed and sent me a copy of a fourth petition against the Bill subsequent to the publication of the second Select Committee's report, so that they not only had ample time to consider the Bill as amended but they understood it and thoroughly appreciated it in the English language. Therefore, so far as they are concerned, the publication of the Bill and report in the vernaculars was unnecessary.

His Excellency the PRESIDENT then adjourned the Council till Friday, the 5th January, at 11 A.M.

(By Order.)

FORT ST. GEORGE,
23rd January 1894.

A. BUTTERWORTH,
Secretary to the Council.

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